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RCMP PUBLIC COMPLAINTS
COMMISSION

COMMISSION DES PLAINTES
DU PUBLIC CONTRE LA GRC

FEDERAL AND PROVINCIAL
POLICE OVERSIGHT LEGISLATION

A Comparison of Statutory Provisions

KE
5010
F4
1992-



RCMP PUBLIC COMPLAINTS
COMMISSION

COMMISSION DES PLAINTES
DU PUBLIC CONTRE LA GRC

**LOIS FÉDÉRALES ET PROVINCIALES
RÉGISSANT LES ORGANISMES
DE SURVEILLANCE DE LA POLICE**

Comparaison des dispositions législatives



General Counsel

Avocat général

June 26, 1995

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340 Laurier Avenue West
11th Floor
Sir Wilfrid Laurier Building
Ottawa, Ontario
K1A 0P8

Dear Sir:

RE: Federal and Provincial Oversight Legislation

Further to our letter of May 18, 1995, please find enclosed double-sided pages of our publication Federal and Provincial Oversight Legislation.

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We regret the inconvenience this may have caused.

Yours sincerely,


for Pierre-Y. Delage

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*Federal and provincial police oversight
legislation: a comparison of statutory
provisions*

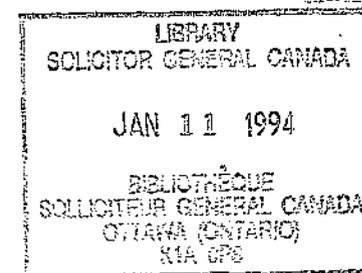
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December 31st, 1994

FOREWORD

When the RCMP Public Complaints Commission was set up in 1988, Dr. Gosse, my predecessor, considered it would be useful for our purposes to develop an understanding of how police accountability, particularly through the external review of public complaints, was dealt with across Canada.

Our research led to this document.

We have expressed our willingness to share this document with those having similar or related responsibilities, with the idea that this would be a small contribution in the way of research to those of us with common interests, and provide a mechanism for keeping us all up to date on relevant legislative developments across the country.

We will continue to have the document updated as new legislation comes into force. This is the first update.

If any recipients find errors or omissions, please draw these to our attention, and we will make the appropriate corrections in due course. Your thoughts on how the document might be improved would be welcomed. In these respects please communicate with our General Counsel, Pierre-Y. Delage by telephone (613-952-8035) or by writing him at the Commission's head office.

December 31st, 1994

Jean-Pierre Beaulne, Q.C.
Chairman
RCMP Public Complaints Commission

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COMPOSITION OF COMMISSIONS

COMPOSITION OF COMMISSIONS

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

There is hereby established a commission, to be known as the Royal Canadian Mounted Police Public Complaints Commission, consisting of a Chairman, a Vice-Chairman, a member for each contracting province and not more than three other members, to be appointed by order of the Governor in Council. ss.45.29(1).

A member of the Commission for a contracting province shall be appointed after consultation with the Minister or other elected representative responsible for police affairs in that province. ss.45.29(2).

No member of the Force is eligible to be appointed or to continue as a member of the Commission. ss.45.29(6).

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

The Law Enforcement Review Board shall be composed of not fewer than 3 members appointed by the Lieutenant Governor in Council. ss.9(1).

At least one member of the Board shall be a judge of the Court of Appeal or the Court of Queen's Bench. ss.9(2).

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

The British Columbia Police Commission consists of not less than 3 members appointed by the Lieutenant Governor in Council. ss.39(1).

The Lieutenant Governor may also appoint persons to the Commission limited to the purpose of serving on panels established by the chairman to hear applications for leave to appeal the decision of a disciplinary tribunal (s.64), and appeals from such decisions (s.65). ss.39(2).

The member of the commission appointed by the minister to perform the duties of the complaint commissioner shall not be a member of a panel. ss.40(8).

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150. (**)

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

There shall be a New Brunswick Police Commission appointed by the Lieutenant-Governor in Council composed of a chairman, a vice-chairman and such other members as the Lieutenant-Governor in Council sees fit to appoint... ss.18(1).

The Lieutenant-Governor in Council may designate a member of the Commission to serve either as a full-time member or as a part-time member. ss.18(2).

Members of the Commission designated as full-time members shall not engage in any business trade, profession or occupation without prior approval in each particular case by the Lieutenant-Governor in Council. ss.18(3).

A breach of subsection 18(3) is deemed to be cause for termination under subsection 18(8). ss.18(4).

* Unofficial translation.

** Also included in this table are the pertinent provisions of The Law Enforcement Review Act which are followed by the abbreviation L.E.R.A.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

While there exists no provincial police commission, the chief of police performs duties and functions similar to police commissions in other provincial jurisdictions (see Tab B).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

The Nova Scotia Police Commission shall be composed not less than three persons appointed by the Governor in Council. ss.4(1).

Members of the Commission may include persons in the public service and persons who hold an office or appointment under any enactment or any Act of the Parliament of Canada or of the Province. ss.4(3).

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

The commission known as the Ontario Police Commission is continued under the name of "Ontario Civilian Commission on Police Services". ss.21(1).

The Commission shall consist of not fewer than three and not more than nine members who shall be appointed by the Lieutenant Governor in Council.

Two members of the Commission constitute a quorum. ss.21(5).

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

No Provincial Police Commission.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

This new legislation does away with the Quebec Police Commission and replaces it with "l'Institut de police du Québec" which now becomes a corporation. L'Institut is an authorized agent of the government and its property is part of the public domain. s.1.2.

The institute shall be administered by a board of directors composed of thirteen members as follows:

- (1) Deputy Minister of Public Security or his representative;
- (2) Deputy Minister of Higher Education and Science or his representative;
- (3) the Director General of the Sûreté du Québec;
- (4) the Director of the Montreal Urban Police Force;
- (5) a person, holding the office of director of a municipal police force, appointed for two years by the Government, after consultation with the association representing the chiefs of police of Québec;

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

The Saskatchewan Police Commission is continued. ss.3(1).

The commission is constituted as a body corporate. ss.3(2).

The commission is to consist of not less than three commissioners to be appointed by the Lieutenant Governor in Council. ss.4(1).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
S.Q. 1988, c. 75, as
amended. (*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

(6) two elected municipal officials, appointed for two years by the Government, after consultation with the bodies which represent municipalities;

(7) three persons, chosen from associations devoted to the protection of the interests of police force members, appointed by the Government for a period of two years, after consultation with such associations;

(8) two persons from the socio-economic sector, appointed by the Government, for a period of two years;

(9) the director general of the institute appointed under section 12. s.4.

The Government shall appoint, for a specified term not exceeding five years, a director general responsible for the management of the institute. The Government may also appoint, for the same term, as many assistant to the directors general as it may determine. At the end of their terms, they shall remain in office until they are replaced or reappointed. s.12, para. 1.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(A) CHAIRMAN

The Commission Chairman is a full-time member of the Commission and the other members may be appointed as full-time or part-time members of the Commission. ss.45.29(3)

The Commission Chairman is the chief executive officer of the Commission and has supervision over and direction of the work and staff of the Commission. ss.45.3(1).

The Commission Chairman may delegate to the Vice-Chairman any of the Commission Chairman's powers, duties or functions under this Act, except the power to delegate under this subsection and the duty under section 45.34. (the submission of an annual report). ss.45.3(3).

The Lieutenant Governor in Council shall designate one of the members of the Board who is a member of the judiciary as Chairman of the Board. ss.10(1).

The Lieutenant Governor in Council shall designate one member of the commission as chairman and one member as deputy chairman. ss.40(1).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

The Governor in Council shall designate one of the members to be Chairman of the Commission and another to be Vice-Chairman of the Commission. ss.4(2).

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

The Lieutenant Governor in Council may designate one of the members of the Commission to be the chair. ss.21(3).

The chair may authorize a member of the Commission to exercise the Commission's powers and perform its duties with respect to a particular matter, but the authority conferred on the Commission by sections 23 and 24 may not be delegated. ss.21(4).

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

The Board members elect from amongst themselves annually a president and vice-president. The director general of the Institute is not eligible for election. s.5.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

The Lieutenant Governor in Council shall designate a commissioner as chairperson and another commissioner as vice-chairperson. ss.4(3).

The chairperson may designate a member of the commission:

(a) to exercise any of the powers conferred; or

(b) to perform any of the duties imposed;

on the chairperson pursuant to this Act. ss.4(4).

The chairperson or, in the absence of the chairperson, the vice-chairperson shall sign any order, consent, certificate or other document issued or made by the commission. ss.8(1).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(B) VACANCIES ON
COMMISSION

In the event of the absence or incapacity of the Commission Chairman or if the office of Commission Chairman is vacant, the Minister may authorize the Vice-Chairman to exercise the powers and perform the duties and functions of the Commission Chairman. ss.45.3(2).

The Governor in Council may, by order, appoint a person to be an alternate member for any member of the Commission, other than the Commission Chairman, and the alternate member so appointed may act as a member of the Commission in the event of the absence, incapacity or ineligibility to conduct a hearing of that member. ss.45.29(7).

An alternate member shall be appointed as a part-time member of the Commission and subsections(2), (4) to (6) and (10) and (11) apply, with such modifications as the circumstances require, to an alternate member as though the alternate member were a member of the Commission. ss.45.29(8).

In the case of illness, absence or other disability of the Chairman, the member in attendance with the longest period of service on the Board shall act in place of the Chairman. ss.10(2).

When any member of the Board

(a) is absent from Alberta,
or

(b) in the opinion of the Lieutenant Governor in Council is by reason of illness or any other cause incapable of performing his duties,

the Lieutenant Governor in Council may by order appoint a person to act in the place of the absent or incapacitated member, ... ss.11(1).

Any 2 members of the commission constitute a quorum, and a vacancy in the membership of the commission does not impair the authority of the other members to act. ss.40(2).

If the chairman is absent or unable to act or if the office of chairman is vacant, the vice-chairman shall act as chairman and while so acting may exercise the powers and perform the duties of the chairman under this Act. ss.18(2.1).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
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and various legislation,
S.Q. 1988, c. 75, as
amended. (*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

If the chairman is absent
or temporarily unable to
act, the vice-chairman
shall perform his duties.
s.5.

Any vacancy on the board
of directors occurring
during the term of a
person appointed for a
specified term shall be
filled for the remainder of
the term. s.6.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(C) TENURE OF OFFICE

Each member of the Commission shall be appointed to hold office during good behaviour for a term not exceeding five years but may be removed for cause at any time by order of the Governor in Council. ss.45.29(4).

A member of the Commission is eligible for re-appointment on the expiration of the member's term of office. ss.45.29(5).

A member shall be appointed for a term of not more than three years and is eligible for reappointment. ss.9(3).

A member shall be appointed to hold office during a term, not exceeding five years, to be determined by the Lieutenant Governor in Council. ss.39(1).

... A member shall be appointed for a term not to exceed ten years. ss.18(1).

The appointment of the chairman or any member of the Commission may be terminated by the Lieutenant-Governor in Council for cause. ss.18(8).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

Appointments to the Commission shall be for a term not exceeding three years and may be renewed. ss.4(4).

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

Every board member appointed for a specified term shall remain in office at the end of his term until he is replaced or reappointed. s.4.

N.B. Several new bodies have been created in the two-tiered process developed to deal with complaints. The structure of these bodies is outlined as follows:

POLICE ETHICS COMMISSIONER

The Government shall appoint a police ethics commissioner from among advocates who have been members of the Barreau for not less than 10 years ... s.37.

The commissioner shall be appointed for a specified term not exceeding 5 years. His term may be renewed. s.38.

The Government may appoint not more than three deputy commissioners ... s.39.

Deputy commissioners shall be appointed for a specified term not exceeding five years. Their term may be renewed. s.40.

If the commissioner is absent or unable to act, he shall be replaced by the deputy commissioner designated by the Government.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Each person appointed as a commissioner:

(a) shall hold office at pleasure for a term not exceeding three years;

(b) shall continue in office until a successor is appointed; and

(c) may be re-appointed;

but no person shall be appointed for more than two successive terms. ss.4(2).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
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PRINCE EDWARD
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An Act respecting police
organization and
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and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

If a deputy commissioner is absent or unable to act because of illness, the Government shall appoint a person to replace him while he is absent or unable to act and shall determine his fees. s. 44.

POLICE ETHICS COM-
MITTEE

An ethics committee is established under the name of "Comité de déontologie policière" s. 89, para. 1.

The ethics committee shall comprise three divisions, namely:

(1) the division of the Sûreté du Québec ... ;

(2) the division of the Police Department of the Communauté urbaine de Montréal ... ;

(3) the division of municipal police forces which shall hear and dispose of a citation against any member of any other municipal police force. s.91.

Each division shall be composed of advocates who have been members of the Barreau du Québec for not less than five years, police officers and members who are neither advocates nor police officers. s. 94.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

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and various legislation,
S.Q. 1988, c. 75, as
amended. (*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

The members of the ethics committee shall be appointed by the Government, in such number as the Government determines, as full-time or part-time members, for a specified term not exceeding five years. Their term may be renewed.

A member whose term has expired may continue to hear and decide a matter notwithstanding the expiry of his term. s. 95.

The Government shall designate a chairman and three vice-chairmen from among the full-time members who are advocates and have been members of the Barreau du Québec for not less than ten years. s. 96.

The deed of appointment of each member other than the chairman shall specify the division to which he is appointed.

However, the chairman may, for the dispatch of the business of the committee, assign a member temporarily to another division. s. 101.

The clerk and the other members of the staff of the ethics committee shall be appointed and remunerated in accordance with the Public Services Act. s.103

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and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

The chairman is responsible for the administration and overall management of the ethics committee. His duties include coordinating and distributing the work of the committee members who shall comply with his orders and directives in that regard. s.104

Each vice-chairman shall preside over the division to which he is appointed.

Under the authority of the chairman, he shall coordinate the work of his division, fix the date of hearings and designate the members who are to hear a matter. s. 105.

If the chairman is absent or unable to act, he shall be replaced by the vice-chairman designated by the Government.

If any other member is absent or unable to act, the government shall appoint another person to replace him while he is absent or unable to act and shall determine his fees. s. 106.

Sitting of the ethics committee shall be held by three members, namely

(1) the chairman of the ethics committee, the vice-

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

chairman appointed to the
 division concerned or a
 member who is an
 advocate, designated by
 the vice-chairman; this
 person shall preside;

(2) a member who is a
 police officer;

(3) a member who is
 neither an advocate nor a
 police officer.

The decision rendered by
 the three members is the
 decision of the ethics
 committee. s. 107.1.

FUNCTIONS OF COMMISSIONS

FUNCTIONS OF
COMMISSIONS

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

The Commission shall carry out such functions and duties as are assigned to it by this Act. ss.45.32(1).

The Commission Chairman shall carry out such functions and duties as are assigned to the Commission Chairman by this Act. ss.45.32(2).

Subject to this Act, the Commission may make rules respecting

(a) the sittings of the Commission;

(b) the manner of dealing with matters and business before the Commission generally, including the practice and procedure before the Commission;

(c) the apportionment of the work of the Commission among its members and the assignment of members to review complaints referred to the Commission; and

(d) the performance of the duties and functions of the Commission under this Act generally. s. 45.33.

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

The Law Enforcement Review Board

(a) may, on its own motion, conduct inquiries respecting complaints,

(b) shall conduct appeals referred to the Board under section 48, and

(c) shall, at the request of the Solicitor General, conduct inquiries in respect of any matter respecting policing or police services. ss.17(1).

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

It is the commission's function to

(a) administer, pursuant to Part 9, complaints about the conduct of provincial and municipal constables,

(b) hear appeals from decisions of police boards in disciplinary matters as provided by the regulations,

(c) inspect and report upon the quality and standard of police services delivery, including without limiting the foregoing,

(i) inspecting police operations and procedures,

(ii) evaluating programs for training persons who intend to become constables, constables who require retraining and constables who are eligible for advanced training, and

(iii) evaluating standards of policing,

(d) maintain a system of statistical records as required to carry out inspections, evaluations and research studies,

(e) consult with and give information and advice to chief constables, boards and committees on matters related to police and policing;

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150. (**)

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

The Commission may assess the adequacy of each police force and the Royal Canadian Mounted Police and whether each municipality and the Province is discharging its responsibility for the maintenance of an adequate level of policing. s.20.

The Commission shall, at the direction of the Minister, and may

(a) on its own motion, in response to a complaint by a person or otherwise, or

(b) at the request of a board or council,

investigate any matter relating to any aspect of the policing of any area of the Province. ss.22(4).

Every order or other document issued or made under this Act shall be signed

(a) ..., or

(b) by the chairman or by any other member of the Commission if made or issued by the Commission. par. 35.1(1)(b).

* Unofficial translation.

** Also included in this table are the pertinent provisions of The Law Enforcement Review Act which are followed by the abbreviation L.E.R.A.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

While there exists no provincial police commission, the chief of police shall

(a) establish and determine within the constabulary the rank of each police officer other than commissioned officers;

(b) recruit and appoint police officers to the constabulary;

(c) after the end of each calendar year file with the minister an annual report on the affairs of the constabulary;

(d) establish and enforce rules respecting policies and procedures for the effective management and control of the constabulary;

(e) monitor the constabulary to ensure that adequate and effective police service is provided in the province;

(f) monitor the constabulary to ensure that police officers and other constabulary employees comply with required standards of service and discipline;

(g) administer discipline in accordance with this Act;

(h) develop and promote programs to enhance professional police practices, standards and training;

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

The Commission shall perform the functions and duties assigned to it by this Act, the Governor in Council or the Solicitor General and the Commission shall

(a) consult with and advise boards of police commissioners and other police authorities and chiefs of police on all matters relating to public complaints and internal discipline;

(b) conduct investigations and inquiries in accordance with this Act;

(c) provide investigative and administrative support to the Review Board;

(d) make recommendations with respect to amendments to this Act or the regulations or to any other enactment dealing with law enforcement. s.5.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

The Commission's powers and duties include,

(a) if the Solicitor General advises the Commission that a board or municipal police force is not complying with prescribed standards of police services,

(i) directing the board or police force to comply, and

(ii) if the Commission considers it appropriate, taking measures in accordance with subsection 23(1);

(b) if the Solicitor General advises the Commission that a board or municipal chief of police is not complying with the requirements of this Act and the regulations respecting employment equity plans,

(i) directing the board or chief of police to comply, and

(ii) if the Commission considers it appropriate, taking measures in accordance with subsection 23(2);

(c) conducting investigations with respect to municipal police matters under section 25;

(d) conducting inquiries into matters relating to crime and law enforcement under section 26;

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

The object of the institute is to contribute, through instruction and research, to the training and development of Québec police officers. s.14.

To carry out its object, the institute shall

(1) provide police training and development courses;

(2) conduct studies and research in any field connected with police work;

(3) transmit the findings of the studies and research conducted pursuant to paragraph 2 to persons engaged in police work. s.15.

The institute may

(1) see to the lodging of persons attending courses or participating in activities organized by the institute;

(2) publish and distribute the findings of studies and research conducted pursuant to paragraph 2 of section 15;

(3) make, with any researcher, expert or research or educational institution, any agreement which, in the opinion of the institute, is useful in the pursuit of its object. s.16.

The institute may require for its services, in addition to tuition fees, such costs or fees as may be determined by the Minister. s.17.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

The commission may:

(a) employ any employees that the commission considers necessary for the purposes of its operations;

(b) determine the duties, powers and conditions of employment and remuneration of the employees mentioned in clause (a);

(c) enter into agreements to engage the services of persons or agencies it considers necessary for the purposes of its operations;

(d) engage the services of persons who have special, technical or other knowledge to advise and report on matters related to the purposes of the commission; and

(e) pay remuneration to and reimburse the expenses of the persons mentioned in clauses (c) and (d). ss.7(1).

The commission may establish and support any employee benefit program for the benefit of the employees of the commission and the dependants of those employees. ss.7(3).

The commission shall make rules respecting practice and procedure before the commission and may prescribe forms for that purpose. ss.9(2).

Each commissioner has all the powers conferred on a

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(f) make recommendations to the minister in regard to the appointment of members of municipal police boards,

(g) make recommendations to the minister on minimum standards respecting selection and training of constables, the use of firearms and equipment and any other matter relating to police and policing,

(h) establish and carry out, or approve and supervise, programs to promote cooperative and productive relationships between constables and the public,

(i) assist in the coordination of policing by the provincial police force and municipal police forces, and,

(j) perform other functions and duties assigned to the commission pursuant to this Act or the regulations. ss.42(1).

The commission shall submit copies of a report completed under subsection 42(1)(c) to

(a) the minister, and

(b) the board or, where no board exists, the municipality, and may submit a copy to those persons the commission considers appropriate. ss.42(2).

NEWFOUNDLAND

Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. R-17.

(i) conduct a system of inspection and review of the constabulary;

(j) assist in the co-ordination of police services in the province;

(k) develop, maintain and manage programs and statistical records and conduct research studies in respect of police services and related matters;

(l) issue orders, directives, rules and guidelines respecting policy and matters relating to the constabulary, police services, police officers and other constabulary employees; and

(m) develop and promote programs for community oriented police services. ss.6(1).

NOVA SCOTIA

Police Act, S.N.S. 1974, c.9, as amended.

ONTARIO

Police Services Act, 1990, R.S.O. 1990, c. P.15.

(e) inquiring into any matter regarding the designation of a municipality under subsection 4(7) (police services in villages and townships) and, after a hearing, making recommendations to the Solicitor General;

(f) hearing and disposing of appeals by members of police forces in accordance with Part V. ss.22(1).

When the Commission conducts a hearing, investigation or inquiry, it has all the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the proceeding as if it were an inquiry under that Act. ss.22(2).

At the Commission's request, the Solicitor General may appoint counsel to assist the Commission in a hearing, investigation or inquiry. ss.22(3).

Meetings, hearings, investigations and inquiries conducted by the Commission shall be open to the public, subject to subsection (7), and notice of them shall be published in the manner that the Commission determines. ss.21(6).

PRINCE EDWARD ISLAND

Police Act, S.P.E.I. 1974, c. P-9, as amended.

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended. (*)

The institute may devise and provide any college-level vocational training programs in police work for which it has received authorization from the Minister of Higher Education and Science and from the Minister. s.18 para. 1.

The institute may, in addition, devise and provide any police training and development programs for which it has received authorization from the Minister and for which it issues a certificate of studies. s.18, para. 3.

The institute, unless authorized by the Government, shall not

(1) make, according to law, any agreement with any government or government agency;

(2) construct, acquire, alienate or lease or in any way give as security any immovable;

(3) make any financial commitment beyond the limits or contrary to the terms and conditions determined by the Government;

(4) contract any loan which increases the total amount of its outstanding borrowings beyond the amount determined by the Government. s.19.

SASKATCHEWAN

The Police Act, 1990, S.S. 1990, c. P-15.01.

commissioner pursuant to The Public Inquiries Act, ss.9(3).

Subject to the approval of the Lieutenant Governor in Council, the commission may make regulations:

(a) prescribing minimum standards for the selection and training of members;

(b) prescribing a police training program for members or any category of members;

(c) prescribing an orientation program and code of ethical conduct for board members;

(d) prescribing a communications system for all or any police services, and regulating the operations and procedures of the communications system;

(e) prescribing the minimum number of members that a municipality shall employ:

(i) on the basis of:

(A) population;

(B) area; or

(C) any combination of the factors mentioned in paragraphs (A) and (B);

(ii) on any other basis; or

(iii) on the basis of any combination of the factors mentioned in subclause (i) and (ii);

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

The commission may, after written notice to the chairman of the board and the minister, inspect the records, operations and systems of administration of a municipal police force. ss.42(3).

If requested by the minister the commission shall, after notice to the chairman of the board, conduct the investigation under subsection (3). s.42(4).

The commission shall make rules, not inconsistent with this Act and the regulations, respecting its practice and procedure and the exercise of its powers and may establish forms required to be used for those purposes. ss.43(1).

No rule under subsection 43(1) is binding on a person unless it is approved by the minister. s.43(2).

The commission shall, on the request of the minister, and may, on its own or on the request of a council or a board, study, investigate and prepare a report on matters respecting law enforcement, crime prevention, police and policing in the Province or in a designated area of the Province. ss.44(1).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

The Commission may exclude the public from all or part of a meeting, hearing, investigation or inquiry if it is of the opinion that,

(a) matters involving public security may be disclosed and, having regard to the circumstances, the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or

(b) intimate financial or personal matters or other matters may be disclosed of such a nature, having regard to the circumstances, that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public. ss.21(7).

If the Commission is of the opinion, after holding a hearing, that a board or municipal police force has flagrantly or repeatedly failed to comply with prescribed standards of police services, the Commission may take any of the following measures or any combination of them:

1. Suspending the chief of police, one more members of the board, or the whole board, for a specified period.

In no case may the institute acquire shares of another corporation or operate a commercial enterprise. Nor may the institute grant loans, gifts or subsidies or act as a surety. s.22.

In the pursuit of its object, the institute shall carry out any specific mandate assigned to it by the Minister. s.23.

The institute may adopt by-laws for its internal management and the exercise of its powers, and more particularly

(1) to establish an executive committee, define its duties and powers and fix the term of its members;

(2) to define the duties and powers of the chairman, the director general, the assistant directors and the other employees of the institute. s.25.

The institute may make general by-laws respecting

(1) programs of study, the admission of students, examinations and certificates of studies;

(2) the records that must be kept by the institute;

(3) tuition fees.

The by-laws come into force on the date of their approval by the Government or on any later date fixed by the Government. s.26.

(f) prescribe the method of accounting for fees and costs and other money that comes into the hands of members of police forces;

(g) prescribe requirements respecting clothing and equipment to be provided to police forces by municipalities;

(h) establish a uniform disciplinary code for all police forces, including the procedure to be followed in hearing and determining breaches of discipline or neglect of duty and prescribing the punishment that may be administered;

(i) provide for appeals in respect to matters of discipline, breaches of conduct, suspensions or dismissals from employment;

(j) compile and distribute to police forces a policy and procedure instruction manual;

(k) provide for financial aid to boards, councils or police forces for police training or educational programs conducted or approved by the commission, and financial aid to members of police forces to participate in such programs. ss.10(1).

(l) providing for and prescribing rules respecting appeals with respect to discipline, breaches of conduct, suspensions or dismissals from employment;

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

A study under subsection (1) may be carried out by the commission or by a member or employee of the commission designated by the chairman for the purpose. ss.44(2).

Where the minister requests a study under subsection (1), the minister responsible for finance shall pay the costs of the study from the consolidated revenue fund. ss.44(3).

The commission shall submit the report under subsection (1) to the minister. s.44(4).

On request of the minister, the commission shall inquire into and report to the minister on matters respecting crime and its investigation and control, and of law enforcement. s.45.

Notwithstanding this Act,

(a) the minister, or

(b) the commission, either on its own initiative or on receiving a request from the complaints commissioner or a board,

may at any time order an investigation to be made respecting an act or omission of any person appointed under this Act. ss.46(1).

The Lieutenant Governor in Council may by order direct a provincial judge to inquire into and report to him upon any matter relating to

(a) the causes, extent, investigation or control of crime; or

(b) the enforcement of law; and he shall define the scope of the inquiry in the order. ss.25(1).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
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and various legislation,
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 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

2. Removing the chief of police, one or more members of the board, or the whole board from office.

3. Disbanding the police force and requiring the Ontario Provincial Police to provide police services for the municipality.

4. Appointing an administrator to perform specified functions with respect to police matters in the municipality for a specified period, ss.23(1).

If the Commission is of the opinion, after holding a hearing, that a board or municipal chief of police has failed to comply with the requirements of this Act and the regulations respecting employment equity plans, the Commission may take any of the following measures or any combination of them:

1. Suspending the chief of police, one or more members of the board, or the whole board, for a specified period.

2. Removing the chief of police, one or more members of the board, or the whole board from office.

(m) prescribing terms and conditions respecting financial aid to:

(i) boards, councils or police services for police training or education programs conducted or approved by the commission; and

(ii) members to participate in the programs described in subclause (i);

(n) prescribing the minimum number of meetings to be held by boards;

(o) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;

(p) prescribing any other matter or thing that it considers necessary to fulfil its duties or exercise its powers pursuant to this Act. ss.12(1).

Prior to making regulations pursuant to subsection (1), the commission shall:

(a) inform the boards, the Saskatchewan Association of Chiefs of Police and the Saskatchewan Federation of Police Officers of the proposed regulations; and

(b) provide an opportunity for the boards, the Saskatchewan Association of Chiefs of Police and the Saskatchewan Federation of Police Officers to make representations to the commission with respect to the proposed regulations. ss.12(2).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
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organization and
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amended. (*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

3. Appointing an administrator to perform specified functions with respect to employment equity, recruitment and promotion in the police force for a specified period. ss. 23(2).

If the Commission suspends the chief of police or members of the board who are entitled to remunerations under subsection 27(12), it shall specify whether the suspension is with or without pay. ss. 23(3).

The Commission shall not take measures under subsection (2) with respect to the failure of a chief of police to meet specific goals or timetables contained in the employment equity plan if the Commission finds that the chief of police has made all reasonable efforts to meet them. ss.23(4).

An administrator appointed under paragraph 4 of subsection (1) or paragraph 3 of subsection (2) has all the powers necessary for the performance of his or her functions. ss.23(5).

If the Commission suspends or removes the chief of police, it may appoint a person to replace him or her. ss.23(6).

The commission shall promote:

(a) adequate and effective policing throughout Saskatchewan; and

(b) the preservation of peace, the prevention of crime, the efficiency of police services and the improvement of police relationships with communities within Saskatchewan. ss.19(1).

In fulfilling its responsibilities pursuant to subsection (1), the commission may:

(a) develop and maintain programs to:

(i) create a public understanding of police functions; and

(ii) promote the improvement of police relationships with, and crime prevention within, communities in Saskatchewan;

(b) conduct research studies to assist and improve policing services and law enforcement in Saskatchewan;

(c) facilitate the coordination of police activities on a provincial and municipal basis to ensure uniform law enforcement and optimum co-operation between police services and other services;

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
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PRINCE EDWARD
ISLAND
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SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

The parties to the hearing are the chief of police, the board, any member of the board that the Commission designates and, if the Commission so directs, the association or associations representing members of the police force. ss.23(7).

The Commission may add parties at any stage of the hearing on the conditions it considers proper. ss.23(8).

If the Commission suspends a member of a board or removes him or her from office, the municipal council or the Lieutenant Governor in Council, as the case may be, shall appoint a person to replace the member. ss.23(9).

A member who has been removed shall not subsequently be a member of any board, and a member who has been suspended shall not be reappointed during the period of suspension. ss. 23(10).

The Commission may make an interim order under subsection 23(1), without notice and without holding a hearing, if it is of the opinion that an emergency exists and that the interim order is necessary in the public interest. ss.24(1).

(d) operate the Saskatchewan Police College and provide for the training of members;

(e) conduct audits and reviews of police services to ensure that policing services are provided to meet the requirements of this Act;

(f) develop and supervise police training programs for members or categories of members;

(g) compile and distribute to boards, chiefs and police services a policy and procedure instructions manual;

(h) subject to the regulations, provide financial aid to:

(i) boards or police services for police training or education programs conducted or approved by the commission; and

(ii) members to participate in the programs described in subclause (i);

(i) establish and maintain a central information and statistics service for all police services in Saskatchewan. ss.19(2).

Subject to the approval of the minister, the commission may:

(a) conduct an inquiry respecting:

(i) the extent of crime or standard of law enforcement in any municipality;

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
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amended. (*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

The Commission shall not remove a person from office or disband a police force by means of an interim order. ss.24(2).

The Commission may, at the Solicitor General's request, at a municipal council's request or of its own motion, investigate, inquire into and report on,

(a) the conduct or the performance of duties of a municipal chief of police or other municipal police officer, an auxiliary member of a municipal police force, a special constable, a by-law enforcement officer or a member of a board;

(b) the administration of a municipal police force;

(c) the manner in which police services are provided for a municipality;

(d) the police needs of a municipality. ss.25(1).

The Commission shall communicate its report of an investigation under subsection (1) to the Solicitor General at his or her request and to the board or council at its request, and may communicate the report to any other person as the Commission considers advisable. ss.25(3).

(ii) the competency or adequacy of personnel of a police service;

(iii) the adequacy and standard of equipment used by a police service;

(iv) the suitability of accommodation, including lock-up facilities, provided by a police service; or

(v) any other matter which is related to the standard of policing and law enforcement provided within a municipality; and

(b) take any action arising from the inquiry that it considers appropriate. ss.89(1).

The commission may appoint any person it considers appropriate to conduct an inquiry pursuant to subsection (1), ss.89(2).

Where the commission conducts an inquiry pursuant to subsection (1), the commission:

(a) shall make a report to the minister and the affected board; and

(b) may in its report made pursuant to clause (a) make any recommendations to the board that the commission considers appropriate. ss.89(3).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

If the Commission concludes, after a hearing, that a member of a police force is not performing or is incapable of performing the duties of his or her position in a satisfactory manner, it may direct that the member be,

(a) demoted as the Commission specifies, permanently or for a specified period;

(b) dismissed; or

(c) retired, if the member is entitled to retire. ss.25(4).

If the Commission concludes, after a hearing, that a member of a board is guilty of misconduct or is not performing or is incapable of performing the duties of his or her position in a satisfactory manner, it may remove or suspend the member. ss.25(5).

A member of a police force or of a board on whom a penalty is imposed under subsection (4) or (5) may appeal to the Divisional Court within thirty days of receiving notice of the Commission's decision. ss.25(6).

If the Commission suspends a member of a board or removes him or her from office, the municipal council or the Lieutenant Governor in Council, as the case may be, shall appoint a person to replace the member. ss.25(8).

Where the board has:

(a) failed within a reasonable time to respond; or

(b) responded inadequately;

to a report of the commission pursuant to subsection (3), the commission or the board may refer the matter to the minister. ss.89(4).

On consideration of the report of the commission made pursuant to subsection (3), the minister may take any action that the minister considers necessary. ss.89(5).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

A member who has been removed shall not subsequently be a member of any board, and a member who has been suspended shall not be reappointed during the period of suspension. ss.25(9).

The Lieutenant Governor in Council may direct the Commission to inquire into and report to the Lieutenant Governor in Council on any matter relating to crime or law enforcement, and shall define the scope of the inquiry in the direction. ss.26(1).

Section 6 (stated case) of the Public Inquiries Act applies to inquiries conducted under this section. ss.26(2).

Witnesses at inquiries conducted under this section have the right to retain and instruct counsel and all the other rights of witnesses in civil courts. ss.26(3).

Any person who knowingly discloses, without the Commission's consent, evidence taken in private at an inquiry conducted under this section or information likely to identify the witness is guilty of an offence and on conviction is liable to a fine of not more than \$5,000. ss.26(4).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
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NEW BRUNSWICK
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c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
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PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
S.Q. 1988, c. 75, as
amended. (*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

The agreement, (to amalgamate 2 or more municipal police forces), does not take effect until the Commission has approved the organization of the amalgamated police force. ss.6(3).

A municipality to which subsection 4(1) (obligation to provide police services) does not apply may, with the Commission's approval, establish and maintain a police force. ss.8(1).

The Commission may revoke an approval given or deemed to have been given under this section. ss.8(3).

If the Commission finds that a municipality to which subsection 4(1) applies is not providing police services, it may request that the Commissioner have the Ontario Provincial Police give assistance. ss.9(1).

If the Commission finds that a municipal police force is not providing adequate and effective police services or is not complying with this Act or the regulations, it may communicate that finding to the board of the municipality and direct the board to take the measures that the Commission considers necessary. ss.9(2).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
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and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

If the board does not comply with the direction, the Commission may request that the Commissioner have the Ontario Provincial Police give assistance. ss.9(3).

With the Commission's approval, a board may appoint auxiliary members of the police force. ss.52(1).

The Commission's approval is required prior to the appointment, by a board or by the Commissioner, of a special constable to act for the period, area and purpose that the board or Commissioner considers expedient. ss.53(1)(2).

The Commission also has power to suspend or terminate the appointment of a special constable. ss.53(7).

The Commission's approval is required prior to the appointment by the Commissioner of a First Nations Constable to perform specified duties. ss.54(1).

The Commission also has power to suspend or terminate the appointment of a First Nations Constable. ss.54(6).

ANNUAL REPORTING REQUIREMENTS

ANNUAL REPORTING
REQUIREMENT

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

The Commission Chairman shall, within three months after the end of each fiscal year, submit to the Minister a report of the activities of the Commission during that year and its recommendations, if any, and the Minister shall cause a copy of the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the day the Minister receives it. ss.45.34.

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

After the end of each calendar year the Board shall file with the Solicitor General a report showing the number and nature of appeals and inquiries that it held, summaries of the findings made and any other matter that the Solicitor General directs. s.14.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

The commission shall submit annually to the minister:

(a) a report of the operation of the commission for the immediately preceding fiscal year, and

(b) a financial statement showing the business of the commission for that fiscal year,

and the report and financial statement shall be laid before the Legislative Assembly within 15 days after commencement of the first session in the following year. s.48.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150. (**)

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

The Commission shall, on or before the 1st day of May in each year, file with the Minister an annual report respecting the work of the Commission during the preceding fiscal year and such report shall include all aspects of policing in the Province and an assessment of the adequacy of policing by each police force and by the Royal Canadian Mounted Police. ss.24(1).

The annual report filed by the Commission shall be laid by the Minister before the Legislative Assembly if it is then sitting or, if not, at the next ensuing sitting. ss.24(3).

* Unofficial translation.

** Also included in this table are the pertinent provisions of The Law Enforcement Review Act which are followed by the abbreviation L.E.R.A.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

The chief shall after the end of each calendar year file with the minister an annual report on the affairs of the constabulary. para. 6(1)(c).

The chief shall report to the minister and shall obey the minister's orders and directions. ss.6(2).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

The Commission shall, within sixty days after the end of each calendar year, file with the Solicitor General a report showing briefly the number and nature of the inquiries and investigations held, the number and nature of public complaints and internal disciplinary matters, summaries of the findings made thereon and such other matters as the Governor in Council may direct. s.9.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
 P.15.

After the end of each calendar year, the Commission shall file with the Solicitor General an annual report on its affairs. ss.21(9).

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

The institute, within four months of the end of its fiscal year, shall submit to the Minister its financial statements and a report of its activities for the fiscal year just ended. The report shall also include such information as may be required by the Minister. s.31.

Not later than 31 October each year, the commissioner shall submit a report of his activities for the preceding fiscal year to the Minister. The report shall include a statement of the number and nature of the complaints received and the action taken in connection therewith as well as a summary of any interventions made pursuant to s.48 (in the public interest). s.49.

The Minister shall table the report of the institute in the National Assembly within 30 days after receiving it if the Assembly is in session or, if it is not sitting, within 30 days after the opening of the next session or resumption. s.32; s.50 (tabling of the commissioner's annual report).

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

The commission, in each fiscal year, in accordance with The Tabling of Documents Act, shall prepare and submit to the minister a report of the commission on its business for its preceding fiscal year. ss.15(1).

The minister shall, in accordance with The Tabling of Documents Act, lay before the Legislative Assembly each report received pursuant to subsection (1). ss.15(2).

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

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**ROLE OF THE MINISTER, OF THE GOVERNOR IN COUNCIL AND OF
THE LIEUTENANT GOVERNOR IN COUNCIL**

ROLE OF THE MINISTER, OF THE GOVERNOR IN COUNCIL AND OF THE LIEUTENANT GOVERNOR IN COUNCIL

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150. (**)

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

The Solicitor General is charged with the administration of this Act. ss.2(1).

Notwithstanding anything in this Act, all police services and peace officers shall act under the direction of the Attorney General in respect of matters concerning the administration of justice and the enforcement of those laws that the Government of Alberta is required to enforce. ss.2(2).

The Solicitor General may

(a) exempt any part of Alberta from the operation of all or any provision of this Act, and

(b) make any arrangements or agreements he considers proper for the policing of that part of Alberta exempted under clause (a). ss.5(1).

Where the Solicitor General enters into an arrangement or an agreement referred to in section 5(1), he may make regulations

(a) exempting the arrangement or the agreement from any provision of this Act or the regulations;

(b) exempting policing services that are provided under the arrangement or the agreement from any provision of this Act or the regulations;

The minister shall ensure that an adequate and effective level of policing is maintained throughout the Province. s.2.

Notwithstanding section 3, where the minister considers that it is necessary or desirable, he may, on terms approved by the Lieutenant Governor in Council, provide or reorganize the policing

(a) in a municipality to which subsection 3(2) applies, or

(b) in an area or region of the Province. ss.4(1).

The Lieutenant Governor in Council may appoint to the provincial police force the constables and other employees he considers necessary to carry out the force's business. ss.6(2).

The Lieutenant Governor in Council may appoint a commissioner and a deputy commissioner of the provincial police force. ss.6(3).

Under the minister's direction, the commissioner has general supervision over the provincial police force... ss.7(1).

On the recommendation of the commissioner, the minister may appoint persons he considers suitable as auxiliary constables. ss.8(1).

This Act shall be administered by the minister. ss.1.1(1).

The minister shall promote the prevention of crime, efficiency of police services and police-community relationships in the province, and for those purposes the minister may

(a) consult with, advise and provide support to police commissions, chiefs of police and employers of special constables on matters relating to police and policing;

(b) provide information and advice to police commissions and chiefs of police on the management and operation of police forces, techniques for handling special problems and other information considered to be of assistance;

(c) monitor police services for the purpose of ensuring that adequate and effective policing is maintained both municipally and provincially;

(d) assist in the co-ordination of policing services;

(e) develop and promote community-based policing and crime prevention programs; and

The Minister shall

(a) promote the preservation of peace, the prevention of crime, the efficiency of police services and the development of effective policing, and

(b) co-ordinate the work and efforts of police forces and the Royal Canadian Mounted Police within the Province. ss.1.1(1).

For the purposes of subsection (1), the Minister may

(a) consult with and advise boards, councils, police forces and the Royal Canadian Mounted Police on matters relating to policing,

(b) provide to boards, councils, police forces and the Royal Canadian Mounted Police

(i) information and advice respecting the management and operation of police forces and the Royal Canadian Mounted Police in handling special problems, and

(ii) such other information as the Minister considers to be of assistance,

(c) establish a system of inspection and review of police forces,

(d) establish and maintain a central information and

* Unofficial translation.

** Also included in this table are the pertinent provisions of The Law Enforcement Review Act which are followed by the abbreviation L.E.R.A.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

"Minister" means the Minister of Justice and Attorney General. para. 2(j).

The Lieutenant-Governor in Council shall appoint a commanding officer of the constabulary to be known as the Chief of Police, who, subject to the minister's direction, has the general control and administration of the constabulary and its members. ss.4(1).

The chief and commissioned officers shall hold office during the pleasure of the Lieutenant-Governor in Council. ss.4(2).

The Lieutenant-Governor in Council may name a police officer to the rank of commissioned officer and may authorize the issue of a commission to him or her under the Great Seal. ss.4(4).

The chief shall report to the minister and shall obey the minister's orders and directions. ss.6(2).

The orders and directions referred to in subsection (2) shall be in writing. ss.6(3).

The constabulary has the responsibility of providing police services in areas of the province and upon terms and conditions determined by the minister

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

The Attorney General is the constituted authority for the administration of justice within the Province and nothing contained in this Act shall be construed to change or alter this responsibility. ss.3(1).

... the Solicitor General may order an investigation into any matter relating to policing and law enforcement in the Province. ss.3(2).

The Solicitor General has the general supervision and management of this Act. ss.3A(1).

The Solicitor General shall ensure that an adequate and effective level of policing is maintained throughout the province. ss.3A(2).

The Solicitor General shall promote the preservation of peace, the prevention of crime, the efficiency of police services and the improvement of police relationships within the province. ss.3A(3).

For the purpose of subsection (1), the Solicitor General may

(a) liaise, consult and cooperate with any similar body in Canada to encourage uniformity in the procedures, proceedings, standards and any other matters relating to police services;

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c. P.15.

This Act, except Part VI, shall be administered by the Solicitor General. ss.3(1)

The Solicitor General shall,

(a) monitor police forces to ensure that adequate and effective police services are provided at the municipal and provincial levels;

(b) monitor boards and police forces to ensure that they comply with prescribed standards of service;

(c) monitor the establishment and implementation of employment equity plans;

(d) develop and promote programs to enhance professional police practices, standards and training;

(e) conduct a system of inspection and review of police forces across Ontario;

(f) assist in the co-ordination of police services;

(g) consult with and advise boards, municipal chiefs of police, employers of special constables and associations on matters relating to police and police services;

(h) develop, maintain and manage programs and statistical records and conduct research studies in respect of police services and related matters;

PRINCE EDWARD ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

The Minister of Justice is responsible for all the officers, members, clerks and employees of the Prince Edward Island Provincial Police force... ss.2(2).

The Lieutenant Governor in Council may appoint such other officers, clerks and servants of the Prince Edward Island Provincial Police as he may deem advisable. s.6.

The minister may authorize any person not a member of the force to exercise the powers of a provincial police constable and may place such restrictions or conditions on the appointment as he considers appropriate. s.7.

The Lieutenant Governor in Council may make rules and regulations with respect to

(a) ranks and promotions within the Prince Edward Island Provincial Police;

(b) the duties of the force, and of officers appointed for the enforcement of provincial statutes;

(c) providing clerical and other assistance;

(d) providing accommodation and office equipment for any officer of the force;

(e) the payment or compensation of officers of the force, and clerks or officials of the force;

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as amended. (*)

The Minister of Public Security is responsible for the administration of this Act. s.272.

The Minister may issue directives concerning the aims and objectives of the institute (de police du Québec). The directives require prior approval by the Government and come into force on the date of their approval. Once approved, they are binding on the institute which shall comply therewith. s.24, para. 1.

The Government may, on the terms and conditions it determines,

(1) guarantee the payment in principal and interest of any loan contracted by the institute;

(2) guarantee the performance of any other obligation of the institute;

(3) authorize the Minister of Finance to advance to the institute any sum of money considered necessary for the pursuit of its objects.

Sums which the Government may be required to pay under such guarantees or may advance to the institute shall be taken out of the consolidated revenue fund. s.20.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

The minister shall promote:

(a) adequate and effective policing throughout Saskatchewan; and

(b) the preservation of peace, the prevention of crime, the efficiency of police services and the improvement of police relationships with communities within Saskatchewan. s.18.

"Minister" means the member of the Executive Council to whom for the time being the administration of this Act is assigned. para. 2(m).

Nothing in this Act shall be interpreted as limiting in any way the powers of the minister relating to the administration of justice and to the enforcement of the laws in force in Saskatchewan. s.94.

The Government of Saskatchewan shall cause policing services to be provided in:

(a) rural municipalities within the meaning of The Rural Municipality Act, 1989;

(b) municipalities that have a population of less than 500;

(c) the Northern Saskatchewan Administration District, other than in towns within the meaning of The Northern Municipalities Act that have a population of at least 500. s.20.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(c) modifying any provision of this Act or the regulations for the purposes of applying the provision to

(i) the arrangement or the agreement, or

(ii) the policing services provided under the arrangement or the agreement;

(d) governing any matter not referred to in clauses (a) to (c) respecting

(i) the arrangement or the agreement, or

(ii) the policing services provided under the arrangement or the agreement. ss.62(2).

On the request of the (Law Enforcement Review) Board or the Chairman the Attorney General may appoint a lawyer to assist the Board in respect of an appeal or an inquiry. s.15.

When, in the opinion of the Solicitor General, a municipality that is responsible for providing and maintaining policing services is not

(a) providing or maintaining adequate and effective policing services, or

(b) complying with this Act or the regulations,

the Solicitor General may notify the council of that fact and request the council to take the action he considers necessary to correct the situation. ss.30(1).

The minister may appoint persons he considers suitable as special provincial constables. ss.9(1).

The minister, on behalf of the Province, is jointly and severally liable for torts committed by

(a) provincial constables, auxiliary constables and special provincial constables, in the performance of their duties, and

(b) municipal constables and special municipal constables in the performance of their duties when acting in other than the municipality where they normally perform their duties. ss.11(1).

Notwithstanding that a constable referred to in subsection (1)(a) or (b) is not found liable for a tort allegedly committed by him in the performance of his duties, the minister may pay the amount he considers necessary to

(a) settle a claim against a constable for a tort allegedly committed by him in the performance of his duties, or

(b) reimburse a constable for reasonable costs incurred by him in defending a claim against him for a tort allegedly committed in the performance of his duties. ss.11(2).

(f) develop programs to enhance professional police practices, standards and training. ss.1.1(2).

... the Lieutenant Governor in Council may establish a police force to be known as: The Manitoba Provincial Police. s. 2.

The Attorney General has control over the commissioner of the minister. ss.3(2).

The Lieutenant Governor in Council may except from among the laws to be enforced by the provincial police any Act or portion thereof. ss.4(3).

Only upon approval by the Lieutenant Governor in Council, do the rules and regulations developed by the commissioner come into effect ss.8(2).

The Lieutenant Governor in Council may, as occasion requires, appoint such number of special or other constables or peace officers as he deems expedient and fix their remuneration, or he may confer the power of such appointment upon the commissioner or upon any other person. ss.9(1).

The Lieutenant Governor in Council may make such provisions as may be deemed necessary for the purchase, lease, erection, equipment, and maintenance of offices, lock-ups and such other accommodation as the force may require. ss.13(1).

statistics service and perform research for the purposes of aiding police forces and the Royal Canadian Mounted Police,

(e) promote and assist in the development and installation of a communication system for all or any police force,

(f) promote and assist in the development of police education at the post secondary school level,

(g) establish programs and methods designed to promote public understanding of police functions, and

(h) perform other functions and establish other programs that are conducive to the development of effective police services. ss.1.1(2).

Subject to this Act and the regulations, the Minister may issue guidelines and directives to any police force within the Province for the attainment of the purposes of subsection (1). ss.1.1(3).

Where, by reason of the establishment of an enterprise or business or for any other reason, special circumstances or abnormal conditions exist in any area that, in the opinion of the Lieutenant-Governor in Council, render it inequitable that the responsibility for the provision and maintenance of police services be imposed wholly or partially upon a municipality or

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

with the approval of the Lieutenant-Governor in Council, including navigable bodies and courses of water, except those areas in the province that are within the jurisdiction of the Crown in right of Canada. para. 7(1)(a).

The minister may, with the approval of the Lieutenant-Governor in Council, enter into and implement agreements with the Government of Canada for the use or employment of the constabulary in carrying into effect a law of Canada in force in the province, including acting as and discharging the duties of fishery officers or fishery guardians. ss.7(2).

The minister may implement an agreement made under this Act. s.9.

Power to enter into an agreement shall include power to amend that agreement, but where the approval of the Lieutenant-Governor in Council is required for an agreement, the approval of the Lieutenant-Governor in Council is also required for an amending agreement. s.10.

Payments required to be made by or on behalf of the Crown under an agreement entered into under this Act or in carrying out this Act or the

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

(b) establish and maintain a central information and statistics service and a system of research studies for the purpose of aiding the police forces in the Provinces;

(c) consult with and advise boards of police commissioners and other police authorities and chiefs of police on all matters relating to police and police matters;

(d) provide to boards of police commissioners and other police authorities and chiefs of police information and advice respecting the management and operation of police forces, techniques in handling special problems and other information considered to be of assistance;

(e) determine, through a system of assessments, evaluations and inspections, the adequacy, efficiency and effectiveness of police services provided in a municipality;

(f) establish a system of visits to the police forces in the Province;

(g) assist in co-ordinating the work and efforts of the police forces in the Province;

(h) develop and approve a municipal police training program extending from the basic recruit course through all levels of in-

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

(i) provide to boards and municipal chiefs of police information and advice respecting the management and operation of police forces, techniques in handling special problems and other information calculated to assist;

(j) issue directives and guidelines respecting policy matters;

(k) develop and promote programs for community-oriented police services;

(l) operate the Ontario Police College. ss.3(2).

The Lieutenant Governor in Council may, on the Solicitor General's recommendation, exempt any town having a population of less than 5,000 according to the last enumeration taken under section 14 of the Assessment Act from the application of subsection (1). (police services in municipalities), and the exemption continues in effect until it is revoked. ss.4(6).

Subsection (1) applies to a village or township only if it has been so designated by the Lieutenant Governor in Council on the Solicitor General's recommendation; the designation may relate to all or part of the village or township. ss.4(7).

The Solicitor General may enter into an agreement

PRINCE EDWARD ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

(f) the qualifications, training and length of appointment of persons appointed pursuant to this Act. s.14.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

The Government may establish, by regulation, the Code of ethics of Québec police officers setting out the duties incumbent upon and the standards of conduct to be upheld by police officers in their relations with the public. s.35, para. 1.

The Minister may exercise the power to adopt a body of rules relating to internal discipline, in respect of the members of the Sûreté du Québec. s.169, para. 2.

Such power may also be exercised by the director of a police force if the municipality or as the case may be, the Minister so decides. s.169, para. 3.

The Minister shall keep a register in which he shall record, in particular, the name, address, date of birth and first day of employment of every person who acts as a peace officer and belongs to a class of peace officers designated by regulation of the Government. s.172.

To promote the effectiveness of police service in Québec, the Minister shall provide general inspection services in respect of the administration and activities of the Sûreté du Québec and the other police forces, and in respect of the activities of their members and of special constables. s.174.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Notwithstanding any other provision of this Act or any other Act, where, in the opinion of the minister:

(a) an emergency exists; and

(b) it is in the best interests of the administration of justice in Saskatchewan that the services of the Royal Canadian Mounted Police be used in any municipality to provide adequate policing services;

the Lieutenant Governor in Council, by order, may make provision for the employment of the Royal Canadian Mounted Police to provide policing services to the municipality for any time that the Lieutenant Governor in Council considers advisable. ss.24(1).

Where an order is made pursuant to subsection (1), the Lieutenant Governor in Council, by order, may direct the municipality to pay to the Government of Saskatchewan any amount that the Lieutenant Governor in Council considers necessary for the policing services. ss.24(2).

Subject to the approval of the Lieutenant Governor in Council, two or more municipalities may:

(a) enter into an agreement between themselves to have one regional police service provide policing services in those municipalities; or

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

If the council does not comply with a request made under subsection (1), the Solicitor General may

(a) appoint police officers for that municipality and prescribe their remuneration,

(b) request the provincial police service to provide policing services to the municipality on an interim basis, or

(c) do any other thing necessary to create an adequate and effective police service within the municipality. ss.30(2).

The Solicitor General may at any time with the consent of the chairman of a commission of a regional or municipal police service, direct a police officer of that police service to serve in any part of Alberta that is outside the boundaries of the area for which the commission is responsible. ss.33(1).

The Solicitor General may appoint, supervise, discipline and subject to regulations, suspend or cancel the appointment of a special constable. The Solicitor General may delegate to the employer of the special constable his powers and responsibilities with respect to supervision and discipline under this section. ss.42(1)(4)(5).

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

The minister may to the extent that he considers appropriate in the circumstances, provide assistance to auxiliary, municipal or special municipal constables for the costs of criminal proceedings... s.12.

Notwithstanding any other Act, the minister may grant pecuniary aid to the spouse or children of an auxiliary constable who is killed or injured in the performance of his duties. s.13.

On being notified by the commission that a notice sent under subsection 17(1), (requesting that a municipality adopt measures to adequately police its environs), has not been complied with, the minister may, on terms he considers appropriate,

(a) appoint persons as constables to police the municipality,

(b) use the provincial police force to police the municipality, or

(c) take other steps he considers necessary. ss.17(2).

Where the minister believes an emergency exists outside the municipality in which a municipal constable or special municipal constable is employed, he may direct one or more municipal constables or special municipal constables

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The Provincial Police
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The Lieutenant Governor in Council may by order direct a provincial judge to inquire into and report to him upon any matter relating to

(a) the causes, extent, investigation or control of crime; or

(b) the enforcement of law;

and he shall define the scope of the inquiry in the order. ss.25(1).

The Lieutenant Governor in Council shall appoint a Commissioner under The Law Enforcement Review Act, (L.E.R.A.), L.E.R.A., ss.2(1).

The Minister may authorize the Commissioner (appointed under the L.E.R.A.) at the expense of the government to retain the services of counsel and other experts as the Commissioner deems fit. L.E.R.A., s.5.

At the written request of the Commissioner, the minister may appoint counsel to represent the complainant on appeal. L.E.R.A., ss.31(5).

The Attorney General may lay a criminal charge against a member of a police force upon the evidence provided to him by the Commissioner or board. L.E.R.A., ss.35(1).

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

upon the Province, the Lieutenant-Governor in Council may designate the area as a special area, and may require the person operating the enterprise or business within that area or being the owner of that area, to enter into an agreement

(a) with the Lieutenant-Governor in Council, or

(b) with a municipality,

for the policing of the area and to bear the cost of police services contracted for. ss.3(3).

Where the Lieutenant-Governor in Council determines that... the police services provided within a municipality are inadequate, the Lieutenant-Governor in Council upon the recommendation of the Commission, may take action to provide what he considers to be adequate police services within that municipality, and the cost of providing such police services is a debt owed to Her Majesty... ss.5(1).

The Minister

(a) on the request of a board, or a council where a board has not been established, or a police chief,

(b) on the request of the Commanding Officer of the Royal Canadian Mounted Police, or

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Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. R-17.

regulations shall, where payment is not provided for under another Act, be paid by the Minister of Finance out of the Consolidated Revenue Fund of the province. ss. 12(1).

Where the Lieutenant-Governor in Council is requested in writing by a majority of officers to direct the government negotiator to act under this section (Part IV - Labour Relations), the government negotiator, on the direction of the Lieutenant-Governor in Council, shall, within 60 days after receipt of the request by the Lieutenant-Governor in Council,

(a) bargain with a bargaining committee; and

(b) make a reasonable effort to come to an agreement for the purpose of making, subject to the approval of the Lieutenant-Governor in Council and, where required, the enactment of appropriate legislation, or both, an agreement in writing, defining, determining and providing for remuneration, grievance procedures and working conditions for officers. ss.46(1).

In this Part "government negotiator" means the minister or another person that may be authorized by the Lieutenant-Governor in

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Police Act, S.N.S. 1974, c.9, as amended.

service training including specialized courses and those embracing management, supervision and police administration;

(i) assist in the development of police education at the post-secondary school level;

(j) establish programs and methods designed to create between the public and the police a mutual understanding of police functions, duties and responsibilities and to promote police relationships with the news media and the community. ss.3(A)(4).

The Solicitor General may (a) exempt any part of the Province from the operation of all or any provision of this Act or the regulations; and

(b) make any arrangements or agreements the Solicitor General considers proper for the policing of that part of the Province exempted pursuant to clause (a). ss.3(A)(5).

The Solicitor General may direct the Commission to inquire into and report to him upon any matter relating to,

(a) the extent, investigation or control of crime; or

(b) the enforcement of law,

and he shall define the scope of the inquiry in the direction. ss.8(1).

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with the council of a municipality for the provision of police services for the municipality by the Ontario Provincial Police. ss.10(1).

The agreement requires the board's consent. ss.10(2).

No agreement shall be entered into under this section if, in the Solicitor General's opinion, the council seeks the agreement for the purpose of defeating the collective bargaining provisions of this Act. ss.10(3).

If, because of the establishment of a business or for any other reason, special circumstances or abnormal conditions in an area make it inequitable, in the Solicitor General's opinion, to impose the responsibility for police services on a municipality or on the Province, the Lieutenant Governor in Council may designate the area as a special area. ss.13(1).

The person who operates the business or owns the special area shall enter into an agreement with the Solicitor General for the provision of police services by the Ontario Provincial Police for the special area. ss.13(2).

The Lieutenant Governor in Council may, out of money appropriate for that purpose by the Legislature, grant financial or other assistance for the benefit of

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Police Act, S.P.E.I. 1974, c. P-9, as amended.

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended. (*)

The Minister shall conduct an inspection every five years. He may also do so at any time of his own initiative or on the application of a municipality, a group of citizens or an association devoted to the protection of the interests of members of police forces. s.175.

The Minister may authorize in writing a person other than a member of his staff to conduct an inspection and report on it to him. s.179.

The Minister may make an inquiry respecting the Sûreté du Québec or any other police force. He may commission a person to make such an inquiry. s.181.

On the request of a municipality or a group of citizens of a municipality, the Minister may commission a person to make an inquiry respecting the municipal police force serving the municipality. s.182.

The Minister, of his own initiative or on the request of a recognized association of police officers or a group of citizens of the municipality concerned, may commission a person to make an inquiry to ascertain whether a municipality is maintaining adequate police service. s.183, para. 1.

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(b) where the region to be policed pursuant to the agreement includes an area described in section 20 that is not within the geographical limits of those municipalities, enter into an agreement with the minister and:

(i) if the area is a rural municipality within the meaning of The Rural Municipality Act, 1989, with the minister responsible for the administration of that Act; and

(ii) if the area is:

(A) a municipality that has a population of less than 500; or

(B) in the Northern Saskatchewan Administration District other than in a town within the meaning of The Northern Municipalities Act that has a population of at least 500;

with the minister responsible for the administration of The Urban Municipality Act, 1984;

on behalf of the Government of Saskatchewan to have one regional police service provide policing services in those municipalities and in that area. ss.28(1).

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ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

If the Solicitor General or his designate is of the opinion that the uniform, insignia, vehicle markings or other signs or symbols employed by a person or organization are so similar to those used by a police service that the public or a member of the public might be misled, the Solicitor General or his designate may, by order in writing served on that person or organization, require the person or organization to desist from the use of that uniform or insignia or those markings, signs or symbols. ss.54(2).

Whether or not a person is prosecuted under this Act, if the Solicitor General or his designate is of the opinion that a person is or was contravening section 54(1) or an order made under section 54(2), the Solicitor General or his designate may apply to the Court of Queen's Bench for an order directing that person to cease and desist from contravening section 54(1) or the order made under section 54(2), as the case may be. ss.56(1).

The Lieutenant Governor in Council may make regulations

(a) prescribing rates of fees, remuneration and subsistence and travel allowances payable under this Act or the regulations;

bles to the part of the Province in which the emergency exists. ss.38(2).

Notwithstanding this Act, the minister may at any time order an investigation to be made respecting an act or omission of any person appointed under this Act. para. 46(1)(a).

The minister may prescribe different forms of oaths and affirmations for provincial constables, special provincial constables, enforcement officers, by-law enforcement officers and members of the commission, boards and committees. ss.70(2).

The minister may, by regulation, require that an employee of the commission or the provincial police force take an oath or affirmation in the form and manner he prescribes. ss.70(3).

The Lieutenant Governor in Council may make regulations and, without limiting the foregoing, the Lieutenant Governor in Council may make regulations

(a) providing for or granting financial aid to the administration and course of study in a police training school or other educational institution,

(b) developing procedures for the handling of complaints from members of the public against police constables,

(c) in the absence of any request under paragraph (a) or (b), in any case in which, in the interests of the administration of justice, he considers it appropriate

may assign the conduct of the investigation of any alleged offence to a member of a police force or of the Royal Canadian Mounted Police and authorize that person to investigate the offence, and in such case he shall in writing so notify the affected board, council, police chief or Commanding Officer, as the case may be. ss.6(1).

The Minister may dismiss for cause a member of a municipal board of police commissioners, where the Minister has appointed the member or where the member is the mayor or a councillor, ... para. 7(9)(a).

The Minister shall be a party to the agreement (between municipalities for the policing of a region) if the region to be policed under the agreement includes an area not contained within the limits of any municipality that is a party to the agreement. ss.17.1(3).

... the Minister, upon a request by the Commission and within twenty days following such request, shall forward to the Commission the full details of any investigation into a complaint under this Act, including ... ss.26(7).

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Council to bargain on behalf of the province under this Part (Part IV - Labour Relations). para. 44(1)(a).

The government negotiator is considered on behalf of the province to be a party to the bargaining under this Part ss.44(2).

Where, after bargaining under section 46 the government negotiator or the bargaining committee is satisfied that an agreement cannot be reached, he, she or they may by written notice to the other party require matters in dispute to be referred to a board of arbitrators, and those matters shall be settled by arbitration under this section. ss.47(1).

Where either party refuses or neglects to appoint an arbitrator within 30 days after the date of the notice referred to in subsection (1), the Lieutenant-Governor in Council shall, upon the written request of the other party, appoint another arbitrator. ss.47(4).

Where, under subsection (5), a chairperson is not appointed within 7 calendar days of the appointment of the 2nd arbitrator, the Lieutenant-Governor in Council shall appoint the chairperson who shall be accepted

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Police Act, S.N.S. 1974, c.9, as amended.

The Solicitor General may, upon request of the Commission, appoint counsel to assist the Commission in an inquiry or investigation under this Section. ss.8(3).

Subject to Section 11 (Agreement to employ the R.C.M.P.), the Governor in Council may establish a police force to be known as the "Nova Scotia Provincial Police", which shall be under the control and direction of the Solicitor General who may, with the approval of the Governor in Council, appoint a person to be the chief officer of the Provincial Police. ss.10(1)(2).

Notwithstanding subsection (2), the Solicitor General, by order in writing, may confer the power and authority of a provincial constable upon a member, or the members collectively of a police force of any municipality. ss.15(3).

The Governor in Council shall have full power and authority to enter into, perform and carry out any agreement for the provision of an established police force to a municipality. ss.17(2).

The Solicitor General may, at any time, direct a member of the municipal police force to serve in any part of the Province outside the boundaries of the area for which he has been appointed. ss.39(1).

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the surviving spouses and children of members of the Ontario Provincial Police who die from injuries received or illnesses contracted in the discharge of their duties. s.20.

In an emergency, the Solicitor General may make an agreement with the Crown in right of Canada or of another province or with any of its agencies for the provision of police services. ss.55(1).

This Part (Part VI - Public Complaints) shall be administered by the Attorney General. s.74.

The Lieutenant Governor in Council may make regulations,

1. prescribing standards for police services;
2. prescribing procedures for the inspection and review by the Solicitor General of police forces;
3. requiring municipalities to provide police detention facilities, governing those facilities and providing for their inspection;
4. providing for financial aid to police training schools;
5. prescribing the minimum amount of remuneration to be paid by municipalities to the members of boards who are appointed by the Lieutenant Governor in Council or Solicitor general;
6. prescribing the procedures to be followed by

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Police Act, S.P.E.I. 1974, c. P-9, as amended.

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An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended. (*)

If the Minister refuses to commission an inquiry, he shall notify in writing the municipality, group of citizens or association of police officers concerned and give it the reasons for his refusal. s.185.

The inquiry report shall be transmitted to the Minister and to the municipality which requested the inquiry, where such is the case. It shall relate the findings of the inquiry and contain such recommendations as the person who made the inquiry may see fit to make. s.187.

The Minister may advise on police matters persons engaged in police work. s.188.

The Minister shall become a party to any proceedings to which the Commission de police du Québec was a party on August 31, 1990 without continuance of suit. s.259.

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The Police Act, 1990, S.S. 1990, c. P-15.01.

Notwithstanding anything in this or any other Act, where a matter has been referred to the minister or the Attorney General for Canada, the minister may order that any proceeding pursuant to this Act be suspended until the minister directs otherwise. s.57.

The minister may:

- (a) appoint any special constables that the minister considers necessary, on any terms and conditions that the minister considers advisable; and
- (b) suspend or cancel the appointment of any special constable. ss.76(1).

Where a chief, board or council of a municipality wishes to have a special constable appointed, the chief, board or council shall apply, in the form prescribed in the regulations, to the minister. ss.76(3).

On receipt of an application pursuant to subsection 76(3) and where the minister considers it to be appropriate, the minister may approve the appointment of the special constable mentioned in the application. ss.76(4).

The minister shall advise the commission of all appointments of special constables made pursuant to this section. ss.76(5).

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Police Act, S.A. 1988, c.
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(b) prescribing rates of fees and expenses payable to witnesses attending a proceeding under this Act;

(c) governing, subject to this Act, the responsibility and duties of police commissions and municipal policing committees;

(d) governing, subject to this Act, the establishment and operation of police services;

(e) governing probationary periods of service for police officers, chiefs of police, special constables and civilian employees of a police service;

(f) governing, subject to this Act, the appointment, employment, qualifications, training, duties, discipline and performance of duty of police officers and special constables;

(g) governing investigations of police officers and special constables;

(h) governing, subject to this Act, action that may be taken against police officers and special constables;

(i) governing appeals of special constables from action taken against them under section 42;

(j) governing, subject to this Act,

(i) regional police services, and

(ii) policing services provided pursuant to an agreement made under section 22(3);

(c) for the government of police forces and governing the qualifications, ranks, conduct, training, duties, suspension, promotion, dismissal and punishment of members of police forces,

(d) prescribing the minimum salary or other remuneration and allowances to be paid to members of police forces,

(e) prescribing the minimum remuneration to be paid to the members of boards or committees who are designated by the Lieutenant Governor in Council or appointed by the minister,

(f) prescribing the minimum number of members of police forces that shall be employed either on a basis of population, area, property assessment or a combination of them, or on another basis,

(g) prescribing requirements respecting offices, buildings, places of detention and material to be provided by municipalities,

(h) prescribing or regulating the number of meetings to be held by boards and committees, the times and places they are to be held and the public notices and methods to be employed regarding the meetings,

(i) prescribing the records, returns, books and accounts to be kept and made by police forces or the members,

Where an investigation under subsection 29(1) (into the conduct of the chief of police) will be or becomes an investigation into an alleged offence,...., the Minister shall assign the conduct of the investigation to a member of the RCMP or of a police force other than that of the chief of police to whom it relates... ss.29(7).

The Lieutenant-Governor in Council may make regulations for carrying into effect the purposes and provisions of this Act and, without limiting the generality of the foregoing, may make regulations

(a) prescribing forms of oaths required to be taken under this Act;

(b) prescribing a code of discipline applying to all members of police forces within the Province;

(c) prescribing the records, reports, returns, books and accounts to be kept and made by police forces or members thereof;

(d) prescribing the method of accounting for fees and costs and other money that comes into the hands of members of police forces;

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by the other arbitrators.
 ss.47(6).

Where an arbitrator, including an arbitrator who is appointed chairperson refuses to act, dies, resigns, or is unable to carry out his or her duties under this Act, the Lieutenant-Governor in Council is empowered to, and shall, upon the written application of either party, by order revoke the appointment of that arbitrator, and

(a) where the arbitrator concerned is other than the chairperson, the Lieutenant-Governor in Council shall, by order, direct the party concerned to appoint another arbitrator and that party shall within 7 clear days after the date of the order appoint another arbitrator, but where that party refuses or neglects to appoint the arbitrator within the time limited as noted, subsection (4) shall, with the necessary changes, apply, except that, if the arbitrator who is to be chairperson has already been appointed the last-mentioned arbitrator is, subject to this Act, to be chairperson, para. 47(9)(a).

The Lieutenant-Governor in Council shall fix the remuneration of the persons on the board of arbitrators and, where the

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The Solicitor General may assume the direction of police administration within a municipality or remove from a municipal police force the investigation of a crime committed in or in the vicinity of the municipality... ss.40(1).

The Solicitor General may

(a) appoint such special constables as he considers necessary;

(b) define the offices, positions, territorial jurisdiction and duties of special constables; and

(c) make rules and regulations governing the office, position, duties, conduct and discipline of special constables and any other matter concerning special constables. ss.43(1).

The Governor in Council may make regulations,

(a) for the government of police forces and governing the conduct, duties, suspension and dismissal of members of police forces;

(b) governing the qualifications for the appointment of persons to police forces;

(c) governing the qualifications required for appointment as special constable [constables] or by-law enforcement officers;

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boards and the places at which their meetings shall be held;

7. prescribing the forms of oaths or affirmations of office and secrecy for the purposes of section 32 (members of boards), section 45 (police officers), subsection 52 (6) (auxiliary members of police forces), subsection 53(9) (special constables) and subsection 54(8) (First Nations Constables);

8. respecting the government, operation and administration of police forces;

9. governing the qualifications for the appointment of persons to police forces and for their promotion;

10. prescribing groups of persons for the purposes of subsection 48(1) (employment equity plans);

11. prescribing matters to be contained in employment equity plans;

12. respecting the political activities in which municipal police officers are permitted to engage;

13. establishing the ranks that shall be held by members of municipal police forces;

14. prescribing the minimum salary or other remuneration and allowances to be paid to members of municipal police forces;

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(k) governing lock-up facilities;

(l) subject to section 16(a), governing the powers of the Board. ss.61(1).

The Solicitor General may make regulations:

(a) governing for the purposes of section 22 the sharing of costs of provincial policing services;

(b) prescribing colour and style of uniforms, accoutrements and insignia for police officers and special constables;

(c) governing clothing and equipment furnished to or used by police officers and special constables;

(d) governing firearms with respect to police officers and special constables;

(e) governing the providing of information to the Chairman of the Board under section 52 and the release of that information by the Chairman;

(f) prescribing the information and statistical data to be kept and reported to the Solicitor General by commissions, policing committees, police services and employers of special constables. ss.62(1).

(j) prescribing the method of accounting for fees, costs and other money that comes into the hands of members of police forces,

(k) providing for the payment of fees and expenses to witnesses at hearings or appeals under this Act,

(l) prescribing the deployment, department, discipline and training of auxiliary constables,

(m) prescribing the administration of rewards offered in respect of an offence, and

(n) providing for the disposal of property where the provincial police force obtains custody of stolen or abandoned personal property. s.74.

(e) prescribing procedures with respect to hearings, appeals and investigations;

(f) respecting the confidentiality of police files, investigations, or briefs and the disclosure of information contained therein;

(f.1) respecting information and statistical data to be submitted by chief of police to the Minister;

(f.2) defining "investigator" for the purpose of Parts II and III of this Act;

(g) providing a procedure for the disposition of personal property found or coming into the possession of police officers under section 37;

(g.1) establishing a uniform rank structure for police forces;

(g.2) establishing minimum standards of training and other qualifications for the appointment and promotion to each rank;

(g.3) establishing minimum standards for operational and administrative procedures for police forces;

(g.4) prescribing the minimum number of members of a police force that shall be appointed either upon a basis of incidence of crime, population, area, or any

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Lieutenant-Governor in Council orders the payment of the remuneration, fix and pay the remuneration of the government negotiator. s.48.

An agreement made under section 46 and a decision or award of a board or arbitrators under section 47 is subject to the approval of the Lieutenant-Governor in Council as provided for in section 53 and, where required, the enactment by the province of the appropriate legislation or the making of the appropriate regulations, or both. s.51.

The Lieutenant-Governor in Council may approve an agreement, decision or award referred to in section 51,

(a) as made under section 46 or 47; or

(b) subject to those qualifications, modifications and additions or deletions that the Lieutenant-Governor in Council may prescribe,

and the agreement, decision or award as so approved is, subject, where required, to the enactment by the province of the appropriate legislation or the making of the appropriate regulations, or both, binding upon the parties. s.53.

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(d) prescribing the minimum remuneration to be paid by a municipality to members of boards who are appointed by the Attorney General;

(e) providing for or granting financial assistance including guarantees to and the administration and course of study in a police training school;

(f) the management of the Commission, the meetings and hearings and the procedure at the meetings and hearings;

(g) applications for and other matters relating to appointments under this Act including the fees therefor;

(h) the bonding of persons required to be bonded under this Act;

(i) prescribing the procedures for dealing with complaints;

(j) respecting the investigation powers of the person assigned by the investigative branch of the Commission to conduct an investigation pursuant to this Act;

(k) respecting the powers, privileges and immunities of the Police Review Board;

(l) establishing minimum standards for the selection and training of municipal police officers, special constables and by-law enforcement officers;

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

15. regulating or prohibiting the use of any equipment by a police force or any of its members;

16. regulating the use of force by members of police forces;

17. prescribing standards of dress for police officers on duty and prescribing requirements respecting police uniforms;

18. prescribing courses of training for members of police forces and prescribing standards in that connection;

19. governing the conduct, duties, suspension and dismissal of members of police forces;

20. describing the circumstances under which members of police forces are permitted and not permitted to pursue persons by means of motor vehicles, and prescribing procedures that shall be followed when a person is pursued in that manner;

21. prescribing the records, returns, books and accounts to be kept by police forces and their members;

22. prescribing the method of accounting for fees and costs that come into the hands of members of police forces;

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

combination thereof, or upon such other basis as the Minister considers relevant;

(g.5) prescribing required training programs for members of police forces extending from the basic recruit course through all levels of service training, including specialized courses and those embracing management, supervision and police administration;

(g.6) respecting the use of any equipment, firearm or ammunition or prohibiting the use of any equipment, firearm or ammunition by a police force or by its members;

(g.7) prescribing the uniform or the insignia to be worn by members of a police force and requiring a council or board to provide and a member of a police force to wear such uniform or insignia;

(h) repealed;

(i) generally, as he considers necessary for the purposes of carrying out the provisions of this Act. s.38.

Every order or other document issued or made under this Act shall be signed

(a) by the Minister if made or issued by the Minister, ... par. 35.1(1)(a).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

The Lieutenant-Governor in Council may make regulations,

(a) providing for the establishment of a trust fund into which

(i) fines and forfeitures paid by police officers under this Act,

(ii) fines, fees, commissions or other sums earned by or awarded or granted to members in connection with the performance of their duties, above their regular pay and allowances, and

(iii) other sums

to the extent that the Lieutenant-Governor in Council may specify shall be paid, and prescribing how a fund may be used or spent for the benefit of police officers, former police officers, dependents of police officers or of former or deceased police officers;

(b) providing for the maximum period and the conditions of leave of absence, including sick leave which may be allowed to police officers;

(c) prescribing procedures for the inspection and review by the minister of the constabulary;

(d) respecting the political activities in which members are permitted to engage;

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

(m) establishing a uniform minimum disciplinary code for all municipal police departments in the Province;

(n) respecting internal discipline procedures including the disciplinary authority, disciplinary hearings, investigations, time limit for commencing a proceeding, right to representation, reasons for decisions, notice of review to the Police Review Board, the time limit for a review, procedures for the internal discipline of a chief officer, participation by the Commission in discipline matters, classification of disciplinary defaults and penalties for defaults;

(o) establishing and requiring the installation of an intercommunications system for all or any police forces in the Province and regulating its operation and procedures;

(p) prescribing requirements respecting clothing, uniforms, badges of rank and equipment;

(q) prescribing or regulating the number of meetings to be held by boards;

(r) prescribing oaths to be taken by members of the Commission and members of boards;

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

23. prescribing a code of conduct in which offences constituting misconduct are described for the purposes of section 56;

24. providing for the payment of fees and expenses to witnesses at hearings conducted under Part V or VI;

25. prescribing procedures for the investigation of complaints under Part VI;

26. assigning further duties to the Police Complaints Commissioner;

27. prescribing the method of accounting for money to which section 133 applies;

28. prescribing forms and providing for their use;

29. prescribing any matter that this Act requires to be prescribed or refers to as being prescribed;

30. respecting any matter that is necessary or advisable to implement this Act effectively. ss. 135(1).

A regulation made under subsection (1) may be general or particular in its application. ss.135(2).

PRINCE EDWARD ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

(e) prescribing the manner of accounting for, handling and disposal of money and personal property which comes into the possession of the constabulary and for which there is no other legal means of handling and disposal;

(f) respecting fines which may be ordered paid by police officers and the association by the chief or by an adjudicator;

(g) providing for the payment of fees and expenses to witnesses at hearings conducted under Part III; and

(h) respecting a matter that is necessary or advisable to carry out the purpose of this Act. s. 56.

The minister may make regulations

(a) prescribing standards for police services;

(b) designating highways in the province on which traffic patrols are to be maintained;

(c) prescribing the manner of administering an oath or affirmation;

(d) prescribing procedures and rules of proceedings of the commissioner regarding complaints and the conduct of an investigation ordered

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

(s) prescribing courses of training for members of police forces including the institutions where training is to take place and the qualifications of instructors;

(t) prescribing the records, returns, books and accounts to be kept and made by police forces or the members thereof;

(u) prescribing the method of accounting for fees and costs and other money that comes into the hands of members of police forces;

(v) prescribing what organizations and associations of police officers and what organizations and associations sponsored by police officers may solicit money or gifts from persons or sell or offer to sell to persons articles, advertisements, items or things, the nature and kind of the money, gifts, articles, advertisements, items or things, the records to be kept, the receipts to be given and the disclosure to be made;

(w) any matter relating to the powers, functions or duties of the Commission under this Act or any matter relating to the functions or duties assigned to the Commission;

(x) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act including the government of the Nova Scotia Provincial Police. ss.46(1).

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND

Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. R-17.

NOVA SCOTIA

Police Act, S.N.S. 1974, c.9, as amended.

ONTARIO

Police Services Act, 1990, R.S.O. 1990, c. P.15.

PRINCE EDWARD ISLAND

Police Act, S.P.E.I. 1974, c. P-9, as amended.

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended. (*)

SASKATCHEWAN

The Police Act, 1990, S.S. 1990, c. P-15.01.

under Part III, including the prescribing of forms;

(e) prescribing the procedures for the conduct of a hearing including the form and manner of providing notice of that hearing;

(f) respecting the use of recording and audio visual equipment during the conduct of a hearing by an adjudicator;

(g) providing for the appointment, governing, regulating, arming, clothing, equipping, lodging and payment of, making of allowances to and providing of medical attention for, police officers;

(h) regulating the residence, classification, rank, service, instruction and distribution of the constabulary;

(i) governing the qualifications for the appointment of persons to the constabulary and for their promotion;

(j) respecting personal property held in safe keeping by the constabulary;

(k) regulating or prohibiting the use of equipment by members of the constabulary;

(l) regulating the use of force by police officers;

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
S.Q. 1988, c. 75, as
amended. (*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

(m) prescribing standards of dress for police officers on duty and prescribing requirements respecting police uniforms;

(n) prescribing the required education or courses of training for police officers and prescribing standards in that connection including prescribing which training facilities are acceptable for the purpose of this Act;

(o) governing the conduct, duties, discipline, suspension and dismissal of police officers and respecting the consideration of a complaint and conduct of a hearing following an investigation carried out under section 24;

(p) prescribing the circumstances under which police officers are permitted and not permitted to pursue persons by means of motor vehicles, and prescribing procedures that shall be followed when a person is pursued in that manner;

(q) prescribing the records, returns, books and accounts to be kept by the constabulary and its members;

(r) prescribing the method of accounting for fees and costs that comes into the hands of members of the constabulary; and

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

(s) prescribing a code of
 conduct or other
 regulations or rules in
 which offences constituting
 misconduct are described.
 s.57.

COMPOSITION OF MUNICIPAL POLICE COMMISSIONS

**COMPOSITION OF
MUNICIPAL POLICE
COMMISSIONS**

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150. (**)

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(A) ESTABLISHMENT

A municipality, other than one that is a party to an agreement entered into under section 22 (municipality policed by a provincial service) or 24 (municipality policed by a regional police service), that

(a) has a municipal police service, or

(b) has the approval of the Solicitor General to establish a municipal police service,

shall establish a municipal police commission. ss.28(1).

The council shall, subject to the regulations,

(a) prescribe the rules governing the operations of the municipal police commission, and

(b) appoint the members of the municipal police commission. ss.28(2).

The council of a municipality required to provide policing under section 15 may, subject to the minister's approval, provide policing by means of a municipal police force governed by a municipal police board ... ss.23(1).

The councils of 2 or more municipalities may, subject to the approval of the minister, enter into an agreement to establish a joint municipal police board under subsection (1). ss.23(2).

Subject to the minister's approval, the councils of 2 or more municipalities may enter into an agreement providing for the amalgamation of their boards and municipal police forces. ss.18(1).

An agreement under subsection (1) shall contain terms respecting a municipal police force and policing by a municipal police force, the establishment of a joint board, membership on the joint board and a division of expenditures by the municipal councils. ss.18(3).

**LOCAL POLICE
COMMITTEES**

The Lieutenant-Governor in Council, after consulting the councils of municipalities situated in whole or in part in the area of the province in which the committee is to have jurisdiction, may establish a local police committee ... ss.31(1).

For the purpose of sections 1.1, 21, 26 and 28, "police commission" means

(a) any police commission established pursuant to the provisions of the charter of any city; or

(b) any police commission established under any other Act of the Legislature; or

(c) any municipal council or any municipal committee, however composed, which is charged with or responsible for the maintenance of a police force; or

(d) the committee of the Dakota Ojibway Tribal Council known as the Dakota Ojibway Tribal Council Police Commission. ss.26(1).

Except where an agreement is in force for policing a municipality by the Royal Canadian Mounted Police (s.4) or where a regional police force is operational (s.17.1), there shall be a board of police commissioners for each municipality that by resolution approves the establishment of such a board. ss.7(1).

Where a municipality has established a board pursuant to subsection 7(1), it may by resolution dissolve such board whereupon all appointments made to the board shall terminate on the dissolution of the board and any rights and obligations of that board shall be deemed to be the rights and obligations of the council of the municipality for which that board was established. ss.7(15).

**REGIONAL BOARD OF
POLICE COMMISSIONERS
(JOINT
BOARDS)**

Any municipality may, with the written consent of the Minister, be a party to an agreement for the policing of a region. ss.17.1(1).

The agreement shall make provision for the establishment of a board of police commissioners for the region; ... para. 17.1(2)(a).

* Unofficial translation.

** Also included in this table are the pertinent provisions of The Law Enforcement Review Act which are followed by the abbreviation L.E.R.A.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

The minister may establish those boards, committees and councils that are considered necessary or desirable to help and advise the minister in administering this Act and shall appoint the members of those boards, committees and councils. s.11.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

Every municipality which appoints a municipal police force pursuant to Section 14 shall, by by-law, provide for a board of police commissioners. ss.19(1).

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

There shall be a police services board for every municipality that maintains a police force. ss.27(1).

Every board of commissioners of police constituted or continued under the Police Act or any other Act and in existence on the day this Act comes into force is continued as a police services board. ss.27(2).

JOINT BOARDS

Despite any special Act, two or more municipalities whose combined population according to the last enumeration taken under section 14 of the Assessment Act exceeds 5,000 may enter into an agreement to constitute a joint board. ss.33(1).

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Unless the minister directs otherwise in writing, a municipality:

(a) that has a population of 5,000 or more; or

(b) that:

(i) has a population under 5,000; and

(ii) has established a police service;

shall establish, by bylaw, a board of police commissioners. ss.27(1).

A municipality that:

(a) has a population of 5,000 or less; and

(b) has entered into an agreement pursuant to section 22 or 23 to have its policing service provided by the Royal Canadian Mounted Police;

may establish, by bylaw, a board of police commissioners. ss.27(2).

A board established pursuant to subsection (1) or (2) is a body corporate. ss.27(3).

REGIONAL POLICE
BOARD

Subject to the regulations, the parties to an agreement mentioned in section 28 shall establish a regional police board in accordance with the agreement. ss.29(1).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(B) COMPOSITION

The municipal police commission shall consist of not fewer than 3 nor more than 12 members. ss.28(3).

If

(a) 4 or fewer members are appointed under subsection 28(2), 1 of them may be a member of the council or a municipal employee, or

(b) 5 or more members are appointed under subsection 28(2), 2 of them may be members of the council or municipal employees. ss.28(4).

...The municipal police board shall consist of the mayor of the council, one person appointed by the council and not more than five persons appointed, after consultation with the commission, by the Lieutenant Governor in Council. ss.23(1).

A person who is an alderman on council or, except the mayor, is ineligible to be elected as an alderman on council shall not be appointed to a board. ss.24(1).

LOCAL POLICE
COMMITTEES

... a local police committee shall consist of not less than 3 members appointed by the Lieutenant Governor in Council. ss.31(1).

A member of a local police committee shall not be a judge of a court. ss.31(3).

Subject to subsection 7(7), a board shall consist of

(a) one person who is ordinarily resident in the municipality, appointed by the Minister,

(b) the mayor or a councillor designated by the mayor,

(c) three persons appointed by the council who are ordinarily resident in the municipality, but who are not members of the council, and

(d) the chief of police, ex officio, who shall be a non-voting member,

but a vacancy on the board shall not affect its power to act. ss.7(4).

Where a council refuses or fails to appoint a member of a board within sixty days after being given notice by the Minister to do so, the Minister may, notwithstanding subsection (4), appoint such member to the board, and such member shall be deemed to have been appointed under paragraph (4)(c). ss.7(7).

Where a member of a board is unable to carry out his duties as a member of the board by reason of his illness, absence or suspension, the Minister, in the case of a person appointed by him, or the mayor of the municipality, in the case of

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

A board consists of not fewer than two nor more than six persons appointed by the council and one person appointed by the Solicitor General, who holds office for a term of three years and may be re-appointed. ss.19(2).

Where a vacancy occurs on the board by reason of the death of a member or when a member is unable to carry on his duties as a member of the board by reason of illness or absence, the person or the body that made the initial appointment may appoint some other person to act as or be a member of the board in place or stead of the deceased, ill or absent member. ss.19(5).

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

The board of a municipality whose population according to the last enumeration taken under section 14 of the Assessment Act does not exceed 25,000 shall consist of,

(a) the head of the municipal council, or another council member appointed by resolution of the council; and

(b) two persons appointed by the Lieutenant Governor in Council. ss.27(4).

The board of a municipality, other than a regional or metropolitan municipality, whose population according to the last enumeration taken under section 14 of the Assessment Act exceeds 25,000 shall consist of,

(a) the head of the municipal council, or another council member appointed by resolution of the council;

(b) one person appointed by resolution of the council; and

(c) three persons appointed by the Lieutenant Governor in Council. ss.27(5).

The council of a municipality to which subsection (4) would otherwise apply may determine, by resolution, that the composition of its board shall be as described in subsection (5). ss.27(6).

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

A board is to:

(a) consist of either:

(i) three board members; or

(ii) five board members; appointed annually by the council; and

(b) include the mayor of the municipality and:

(i) where the board consists of three board members, one member of the council in addition to the mayor and one other person, other than a member of council, as a member at large; and

(ii) where the board consists of more than three board members, two members of the council in addition to the mayor and two other persons, other than members of council, as members at large. ss.27(4).

Where a vacancy occurs on the board, the council, within one month of the occurrence of the vacancy, shall appoint a person to replace the former board member for the remaining term of the former board member. ss.27(9).

Where a board member other than the mayor is ill or otherwise unable to perform his or her duties, the council may appoint a person to act during the illness or inability of that board member. ss.27(10).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

a person appointed by the council, may designate another person to act as a member of the board during the illness, absence or suspension of the member. ss.7(8); ss.17.2(7) - similar provision with respect to joint boards.

JOINT BOARDS

The agreement (establishing the board of police commissioners for the region) shall make provision for the composition of the joint board which shall consist of

(i) one or more members representing each municipality that is a party to the agreement, at least one of whom shall be a mayor or a councillor and all of whom shall ordinarily reside in the municipality,

(ii) one or more persons ordinarily residing in the region appointed by the Minister,

(iii) the chief of police, ex officio, who shall be a non-voting member. para. 17.1(2)(d).

A vacancy on a joint board shall not affect its power to act. ss.17.2(6).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

A resolution passed under clause 8(2a)(b) of the Police Act before the day this Act comes into force shall be deemed to have been passed under subsection (6). ss.27(7).

The board of a regional or metropolitan municipality shall consist of,

- (a) two council members appointed by resolution of the municipal council; and
- (b) three persons appointed by the Lieutenant Governor in Council. ss.27(8).

The council of a regional or metropolitan municipality whose population according to the last enumeration taken under section 14 of the Assessment Act exceeds 300,000 may apply to the Lieutenant Governor in Council for an increase in the size of its board; if the Lieutenant Governor in Council approves the application, the board shall consist of,

- (a) the head of the council, or another council member appointed by resolution of the council;
- (b) two council members appointed by resolution of the council; and

Where the mayor is ill or otherwise unable to perform his or her duties, the person appointed as presiding officer of the council:

- (a) shall act instead of the mayor; and
 - (b) shall fulfil the duties of, and may exercise all the powers conferred on, the mayor pursuant to this Act;
- during the illness or inability of the mayor. ss.27(11).

Where a board consists of:

- (a) three board members, two board members constitute a quorum; and
- (b) more than three board members, three board members constitute a quorum. ss.27(12).

REGIONAL POLICE BOARD

Subject to the agreement entered into pursuant to section 28, this Act and the regulations, other than those provisions of this Act and the regulations prescribed in the regulations, apply to:

- (a) a regional police board established pursuant to this section; and
- (b) a member of a regional police service established pursuant to section 28. ss.29(4).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
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PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
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 amended. (*)

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(c) four persons appointed
 by the Lieutenant
 Governor in Council.
 ss.27(9).

No judge or justice of the
 peace shall be appointed
 as a member of a board.
 ss.27(13).

A judge or justice of the
 peace who is a member of
 a board on the day this
 Act comes into force may
 continue to be a member
 until the third anniversary
 of that day. ss.27(14).

In the case of a municip-
 ality that is required by
 subsection (1) to have a
 police services board and
 that does not, on the day
 this Act comes into force,
 have a board of commis-
 sioners of police, the
 following rules apply:

1. Subsection (1) does not
 apply to the municipality
 until the first anniversary
 of the coming into force of
 this Act.

2. Until subsection (1)
 applies to the municipality,
 the council shall perform
 the duties and may exer-
 cise the powers that this
 Act imposes and confers
 on police services boards.
 ss.27(15).

If the position of a member
 appointed by the
 Lieutenant Governor in
 Council becomes vacant,
 the Solicitor General may
 appoint a replacement to
 act until the Lieutenant
 Governor in Council
 makes a new appointment.
 ss.27(10).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
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PRINCE EDWARD
ISLAND
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If the position of a member who is appointed by a municipal council or holds office by virtue of being the head of a municipal council becomes vacant, the board shall notify the council, which shall forthwith appoint a replacement. ss.27(11).

JOINT BOARDS

The joint board shall consist of,

(a) the heads of the councils of the participating municipalities; and

(b) other members appointed by the Lieutenant Governor in Council. ss.33(3).

The provisions of this Act that apply to boards also apply with necessary modifications to joint boards. ss.33(4).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(1) CHAIRMAN

The members of the municipal police commission shall at the first meeting of the municipal police commission in each year elect from among their members a chairman and 1 or more vice-chairmen. ss.28(9).

The chairman of the municipal police commission must not be a member of the council or a municipal employee. ss.28(10).

The mayor of the council shall be chairman of the board. ss.25(1).

Where the mayor is absent, the other board members present shall elect from among themselves a chairman to preside at the meeting. ss.25(2).

LOCAL POLICE
COMMITTEES

The Lieutenant Governor in Council may designate one member of a committee as chairman. ss.32(1).

In the absence or inability of the chairman to act, the other committee members shall elect a chairman. ss.32(2).

The Board shall select a chairman from among its members. ss.7(5).

JOINT BOARDS

The agreement (establishing the regional board of police commissioners) shall make provision for selecting a chairman of the joint board. para. 17.1(2)(h).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

A chairman and vice-chairman of the board shall be chosen by the members of the board at the first meeting in each year. ss.19(4).

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

The members of a board shall elect a chair at the board's first meeting in each year. s.28.

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ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
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and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

A board shall appoint one of the board members to be chairperson and another board member to be vice-chairperson. ss.27(8).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(C) TENURE OF
OFFICE

The term of office of a person appointed to a municipal police commission shall be

- (a) 3 years, or
- (b) a term of less than 3 years as may be fixed by by-law. ss.28(6).

A member of a municipal police commission may be reappointed as a member of the municipal police commission. ss.28(7).

If a person who is a member of a council is a member of the municipal police commission, that person's appointment to the municipal police commission terminates on that person's ceasing to be a member of the council. ss.28(8).

The appointment of a member to a municipal police commission may be revoked by the council only for cause. ss.28(11).

A person appointed to a board shall hold office for a term, not exceeding 4 years, that the Lieutenant Governor in Council determines, and may be reappointed; but a person shall not hold office for a period of more than 6 successive years. ss.24(2).

LOCAL POLICE
COMMITTEES

A member of a committee shall be appointed for a term not exceeding 3 years that the Lieutenant Governor in Council determines, and may be reappointed; but a person shall not be a member of a committee for a period of more than 5 successive years. ss.31(2).

An appointment to a board is for a period of three years and is renewable, but when a person appointed to a board ceases to maintain his ordinary residence within the municipality for which he has been appointed, or, if a mayor or a councillor, ceases to be a mayor or a councillor, the board shall declare his position to be vacant, in which case a new appointment shall be made in accordance with subsection (4). ss.7(6); ss.17.2(5) - similar provision with respect to joint boards.

A member of the board may be dismissed for cause

(a) by the Minister, where the Minister has appointed the member or where the member is the mayor or a councillor, or

(b) by the mayor of the municipality, where the council has appointed the member. ss.7(9); ss.17.2(8) - similar provision with respect to joint boards.

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Constabulary Act, 1992,
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NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
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PRINCE EDWARD
ISLAND
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QUEBEC
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organization and
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amended. (*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

Subject to subsection (6),
 a board member other
 than the mayor holds
 office for the term
 prescribed in the bylaw
 and until a successor is
 appointed. ss.27(5).

Where a board member
 who holds office as a
 member of the council
 loses office as a member
 of the council, that board
 member also loses office
 as a board member.
 ss.27(6).

If provided in the bylaw,
 any board member may
 be reappointed for a
 further term in accordance
 with the bylaw. ss.27(7).

REGIONAL POLICE BOARD

The appointment of a
 regional police board
 member may only be
 revoked:

(a) for cause; and

(b) in accordance with the
 agreement entered into
 pursuant to section 28.
 ss.29(2).

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Royal Canadian Mounted
Police Act, R.S.C. 1985,
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ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(D) FUNCTIONS

Every commission, in consultation with the chief of police, shall cause to be prepared

(a) estimates of all money required for the fiscal year to

(i) pay the remuneration of the police officers and other persons employed for the police service, and

(ii) provide and pay for the maintenance of accommodation, equipment and operating costs of the police service,

and

(b) a yearly plan specifying the level of police service and programs to be provided in respect of the municipality,

and shall submit those estimates and plans to the council. ss.29(1).

Where a commission has been established, the commission shall, in the carrying out of its responsibilities, oversee the police service and for that purpose shall do the following:

(a) allocate the funds that are provided by the council;

(b) establish policies providing for efficient and effective policing;

A board shall establish a municipal police force and appoint a chief constable and other constables and employees the board considers necessary to provide policing in the municipality. ss.26(1).

The board shall, in consultation with the chief constable, determine the priorities, goals and objectives of the municipal police force, and the chief constable shall report to the board each year on the implementation of programs and strategies to achieve the priorities, goals and objectives. ss.26(5).

Every board shall, on or before November 30 in each year, prepare and submit to the council for its approval a provisional budget for the following year to provide policing in the municipality. ss.27(1).

Every board shall make rules not inconsistent with this Act and the regulations respecting the

(a) standards, guidelines and policies for the administration of the municipal police force,

(b) prevention of neglect and abuse by its municipal constables, and

Where a chief or deputy chief of police pursuant to any inquiry or investigation made by him respecting the conduct of a member of a police force, takes disciplinary action against the member, that member may, if he feels aggrieved by the action, within 30 days of the disciplinary action, appeal the matter to the police commission. par. 26(2).

Where a complaint is made to a police commission about the conduct of a member of a police force or any matter relating to the maintenance and operation of the police force, the police commission shall inquire into or investigate the complaint and shall make an order or other determination in respect of the complaint. ss.26(4).

... The board shall act in the place of the municipality in providing the direction and policy required for that police force, within the budget established by the municipality. ss.7(2).

In each year on a date specified by the council the board shall submit to the council for its consideration its proposed budget, being an estimate of the money required for the next succeeding fiscal year to provide remuneration for the members and employees of the police force and to provide and pay for the accommodation, arms, equipment, clothing and all other expenses for the use and maintenance of the police force. ss.10(4); ss.17.4(1) - similar provision with respect to items budgeted for by the joint board.

The Board shall provide to the municipality, at intervals set by the municipality or on the request of the municipality after reasonable notice, a financial statement showing the current financial position of the police force as compared with its budget. ss.7(3).

A board, on behalf of the municipality for which it is

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NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

Every board shall, ..., submit to the council for its consideration and approval its estimates of all moneys required for the year to pay the remuneration of the members of the police force and to provide and pay for the accommodation, arms, equipment and other things for the use and maintenance of the force. ss.19(12).

Notwithstanding the right of a municipality to direct its own police operations, the function of any board shall primarily relate to the administrative direction, organization and policy required to maintain an efficient and adequate police force but shall not exercise jurisdiction relating to complaints, discipline or personnel conduct except in respect of the chief officer of the municipal police force. ss.20(2).

Every board shall establish a written policy respecting extra-duty employment and off-duty employment by members of its police force and the policy shall... ss.21(1)(2).

Subject to the approval of the Solicitor General, the board shall have sole jurisdiction over matters delegated to it by the by-laws of the council. ss.20(1).

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

A board may contract, sue and be sued in its own name. ss.30(1).

The members of a board are not personally liable for the board's contracts. ss.30(2).

A board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall,

(a) appoint the members of the municipal police force;

(b) generally determine, after consultation with the chief of police, objectives and priorities with respect to police services in the municipality;

(c) establish policies for the effective management of the police force;

(d) recruit and appoint the chief of police and any deputy chief of police, and annually determine their remuneration and working conditions, taking their submissions into account;

(e) direct the chief of police and monitor his or her performance;

(f) establish an employment equity plan in accordance with section 48 and the regulations, review its implementation by the chief of police and receive regular reports from him or her on that subject;

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Police Act, S.P.E.I. 1974,
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 S.Q. 1988, c. 75, as
 amended. (*)

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Subject to subsection (15), the board shall hold its meetings open to the public. ss.27(14).

Where a municipality has established a police service pursuant to section 26, the board is responsible:

(a) for the delivery of policing services within the municipality; and

(b) for:

(i) providing general direction, policy and priorities; and

(ii) developing long-term plans;

for the police service. ss.31(1).

For the purposes of this Act and The Trade Union Act:

(a) a board is deemed to be the employer of the personnel of the police service; and

(b) the chief and any person holding the position of deputy chief of police are deemed to be agents of the employer. ss.31(2).

Subject to subsection (4), a board may make directives that are not inconsistent with this Act or the regulations, setting general policy for the governing and administration of the police service. ss.31(3).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
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Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(c) issue instructions, as necessary, to the chief of police in respect of the policies referred to in clause (b);

(d) ensure that sufficient persons are employed for the police service for the purposes of carrying out the functions of the police service. ss.31(1).

Every police officer

(a) is, after the establishment of a commission, subject to the jurisdiction of the commission, and

(b) shall obey the directions of the commission. ss.31(2).

Notwithstanding subsections (1) and (2), a commission shall not issue an instruction to a police officer other than to the chief of police. ss.31(3).

Where an employee other than a police officer is employed for the police service, the commission may release the employee from the police service subject to the provisions of any collective agreement that applies to that employee. ss.31(4).

(c) efficient discharge of duties and functions by the municipal police force and municipal constables. ss.28(1).

A rule under subsection 28(1) shall not be enforceable against any person until it is filed with the commission. ss.28(2).

A board may study, investigate and prepare a report on matters respecting law enforcement, crime prevention, police and policing in its municipality. ss.29(1).

A board shall submit its report of a study under subsection 29(1),

(a) on request, to the commission,

(b) where the report suggests a breach of discipline by a municipal constable, special municipal constable, enforcement officer or bylaw enforcement officer, to the chief constable, and

(c) where the report suggests criminal liability of a municipal constable, special municipal constable, enforcement officer or bylaw enforcement officer, to the minister. ss.29(2).

After consultation with the chief constable, a board may appoint persons considered suitable as special municipal constables. ss.35(1).

established and within its budget, may acquire, deal with and dispose of personal property, may enter into contracts and may sue and be sued, and the municipality for which the board is established is liable for the debts of the board arising out of any matter coming within the scope of this Act. ss.7(11).

A board may make rules consistent with this Act and the regulations for the purpose of performing its responsibilities under this Act, but no rule shall have effect until it is filed with and approved by the Commission. ss.7(13); ss.17.2(12) - similar provision with respect to joint boards.

Where a board has been established for a municipality, the board, subject to its budget,

(a) shall appoint a chief of police who shall be responsible directly to the board and who shall not be required by the board to report to any body or person other than the board,

(b) subject to subsection 21(1), shall provide the police force with such accommodation, arms, equipment, clothing and other items as the board considers necessary, and

(c) shall appoint police officers to the police force from candidates recommended by the chief of

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Constabulary Act, 1992
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Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
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PRINCE EDWARD
ISLAND
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(g) receive regular reports from the chief of police on disclosures and decisions made under section 49 (secondary activities);

(h) establish guidelines with respect to the indemnification of members of the police force for legal costs under section 50;

(i) establish guidelines for the administration by the chief of police of the public complaints system under Part VI;

(j) review the administration by the chief of police of the public complaints system and receive regular reports from him or her on that subject. ss.31(1).

The members of the police force, whether they were appointed by the board or not, are under the board's jurisdiction. ss.31(2).

The board may give orders and directions to the chief of police, but not to other members of the police force, and no individual member of the board shall give orders or directions to any member of the police force. ss.31(3).

The board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force. ss.31(4).

No directive made pursuant to subsection 31(3) is a directive of the board unless it is supported by a majority of the board members. ss.31(4).

Where a claim for damages is made, or a civil action is instituted against a member as the result of an act committed while acting in the scope of employment as a member, the employer of the member shall:

(a) retain and pay for the services of a legal counsel to act on behalf of that member; and

(b) pay any sum required in connection with a judgment or settlement of a claim for damages and costs awarded against the member. s.32.

On or before a day set by bylaw, a board shall submit to the council, for the council's approval, the board's estimates of all moneys the board requires for the next fiscal year for the board and police service. ss.33(1).

No board shall, without the prior approval of the council:

(a) authorize the expenditure of any moneys in excess of the gross amount of the estimates approved by the council; or

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ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

The board may appoint by-law enforcement officers, para. 36(1)(a).

Subject to the approval of the minister, a board, a municipal council or board of a regional district may appoint, in writing, one or more of its employees to enforce one or more provincial enactments, specified in the appointment, within the boundaries of the municipality or regional district, as the case may be. ss.37(1).

LOCAL POLICE COMMITTEES

It is the duty of a committee

- (a) to promote a good relationship between the provincial police force and residents of the area of the Province in which the committee has jurisdiction,
- (b) to bring to the attention of the minister and the provincial police force matters respecting the adequacy of policing in the area of the Province in which the committee has jurisdiction, and to make recommendations to the minister and the provincial police force respecting those matters, and
- (c) perform such other duties as the minister may specify. s.33.

police pursuant to paragraph (2)(a) or may by resolution authorize the chief of police to appoint police officers. ss.10(1); ss.17.3(1) - similar provision with respect to joint boards.

A board, or a council where a board has not been established, may appoint to the police force auxiliary police officers but shall not appoint auxiliary police officers to perform on a regular basis the work that would otherwise be performed by a police officer appointed under section 10, 11, or 17.3. ss.13(1).

JOINT BOARDS

Notwithstanding subsection 3(1), (the municipality's responsibility to provide and maintain adequate police services within such municipality), where a joint board is established the joint board shall provide and maintain adequate police services within the region defined in the agreement. ss.17.2(1).

The joint board shall provide

- (a) to the parties to the agreement, ..., or
- (b) to the Minister of Municipal Affairs and Environment on request after reasonable notice, a financial statement showing the current financial position of the police force as compared with its budget. ss.17.2(3).

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Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
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PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
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and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

The board shall ensure that its members undergo any training that the Solicitor General may provide or require. ss.31(5).

The board may, by by-law, make rules for the effective management of the police force. ss.31(6).

The board may establish guidelines consistent with section 49 for police officers' disclosure of secondary activities to the chief of police and for the decisions of the chief of police under subsection 49(4). ss.31(7).

A board may delegate to two or more of its members any authority conferred on it by this Act, except,

(a) the authority to hear the appeals of police officers found guilty of misconduct under Part V, which must be exercised by a quorum; and

(b) the authority to bargain under Part VIII, which the board may delegate to one or more members. s.34.

The board shall hold at least four meetings each year. ss.35(1).

A majority of the members of the board constitutes a quorum. ss.35(2).

(b) authorize any expenditure of moneys for any matter or purpose not included in the estimates. ss.33(6).

Where a police service is established pursuant to section 26, the board shall appoint a chief of police. ss.35(1).

REGIONAL POLICE BOARD

Subject to the agreement entered into pursuant to section 28 and without limiting the generality of subsection (4):

(a) a regional police board established pursuant to this section:

(i) may exercise the powers conferred; and

(ii) shall fulfil the duties imposed;

on a board pursuant to this Act. ss.29(5).

A regional police board, on behalf of the parties to an agreement entered into pursuant to section 28, is responsible:

(a) for the delivery of policing services within the area specified in that agreement; and

(b) for:

(i) providing general direction, policy and priorities; and

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Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
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NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

A joint board, on behalf of the parties to the agreement for which it is established and within its budget, may acquire, deal with and dispose of real and personal property, may enter into contracts and may sue and be sued, and the parties to the agreement under which the joint board is established are liable jointly and severally for the debts of the joint board arising out of any matter coming within the scope of this Act. ss.17.2(10).

Notwithstanding the provisions of this Act relating to the budgets of joint boards, a joint board may, on the guarantee of the municipalities which are parties to the agreement for which it is established, borrow money. ss.17.2(10.1).

Each year by the 15th day of November, the joint board shall submit to the Minister of Municipalities, Cultural and Housing and Environment for his approval the budget as approved by the parties to the agreement ss.17.4(3).

Where the parties to the agreement do not approve the proposed budget the Minister of Municipalities, Cultural and Housing and Environment may fix a final budget for the joint board. ss. 17.4(4).

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Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
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PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
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and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Meetings and hearings a conducted by the board shall be open to the public, subject to subsection (4), and notice of them shall be published in the manner that the board determines. ss.35(3).

In performing its duties under this Act, a board has all the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the board as if it were conducting an inquiry under that Act. s.37.

Each year, the board shall submit to the municipal council or to each council responsible for maintaining the police force, as the case may be, its estimates for the year. ss.39(1).

A board may terminate the employment of a member of the police force for the purpose of abolishing the police force or reducing its size if the Commission consents and if the abolition or reduction does not contravene this Act. ss.40(1).

The board or the Crown in right of Ontario, as the case may be, is liable in respect of torts committed by members of the police force in the course of their employment. ss.50(1).

(ii) developing long-term plans;

for the regional police service. s.30.

The board is responsible for disciplining the chief. ss.49(1).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

The board may, in accordance with the guidelines established under clause 31(1)(h), indemnify a member of the police force for reasonable legal costs incurred,

(a) in the defence of a civil action, if the member is not found to be liable;

(b) in the defence of a criminal prosecution, if the member is found not guilty;

(c) in respect of any other proceeding in which the member's manner of execution of the duties of his or her employment was an issue, if the member is found to have acted in good faith. ss.50(2).

With the Commission's approval, a board may appoint auxiliary members of the police force. ss.52(1).

If the board suspends or terminates the appointment of an auxiliary member of the police force, it shall promptly give the Commission written notice of the suspension or termination. ss.52(2).

With the Commission's approval, a board may appoint a special constable to act for the period, area and purpose that the board considers expedient. ss.53(1).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

The power to appoint a special constable includes the power to suspend or terminate the appointment, but if a board or the Commissioner suspends or terminates an appointment, written notice shall promptly be given to the Commission. ss.53(6).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(E) INQUIRIES

A commission may conduct an inquiry into any matter respecting the police service or the actions of any police officer or other person employed for the police service. ss.32(1).

Where a commission intends to conduct an inquiry under this section it shall before commencing the inquiry advise the Solicitor General of its intention to conduct the inquiry. ss.32(4).

The Lieutenant Governor in Council may by order appoint a person

(a) to act as the chairman of the inquiry, or

(b) to conduct the inquiry on behalf of the commission. ss.32(5).

Where, from the evidence before the inquiry, the chairman of the inquiry is of the opinion that there is sufficient evidence that the actions of a specific police officer constitute or may constitute a contravention of the regulations governing the discipline or the performance of duty of police officers, he shall report that matter to the commission. ss.32(8).

On receiving a report under subsection (8), the commission shall proceed to have the actions of the specific police officer dealt with under Part 5 (Complaints and Discipline). ss.32(9).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

If the minister considers it advisable, the minister may order a special inquiry to be made with respect to:

- (a) the operation and administration of any police service;
- (b) the conduct of any member; or
- (c) any other matter relating to policing. ss.88(1).

The minister may:

- (a) appoint any person the minister considers appropriate to conduct a special inquiry;
- (b) enter into agreements to engage the services of persons or agencies the minister considers necessary for the purposes of a special inquiry;
- (c) engage the services of persons who have special, technical or other knowledge to advise and report on matters related to the purposes of a special inquiry;
- (d) pay remuneration to and reimburse the expenses of the persons mentioned in clauses (a) to (c). ss.88(2).

Any persons appointed by the minister to conduct a special inquiry have all the powers conferred on a commissioner pursuant to The Public Inquiries Act, ss.88(3).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

Notwithstanding that a report is made under subsection (8), the persons conducting the inquiry may proceed with the inquiry but shall not make any recommendations concerning the disposition under Part 5 of the matter in respect of which the report was made. ss.32(10).

When an inquiry is completed, the chairman of the inquiry shall provide a written report of the findings of the inquiry and any recommendations,

(a) to the commission, and

(b) to the Solicitor General. ss.32(11).

The Board shall not commence an inquiry under section 17(1)(a) (into complaints) with respect to a matter that is the subject of an inquiry being conducted under this section until the inquiry under this section is completed. ss.32(12).

Where the Board is conducting an inquiry under section 17(1)(a) (respecting complaints) a commission shall not commence an inquiry under this section with respect to a matter that is the subject of the Board's inquiry until the Board's inquiry is completed. ss.32(13).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

The persons appointed to conduct a special inquiry shall provide the minister with a written report within the time prescribed by the minister. ss.88(4).

On receipt of a written report pursuant to subsection (4), the minister may:

(a) cause the report to be published in whole or in part and in any manner that the minister considers appropriate; and

(b) take any action that the minister considers appropriate. ss.88(5).

A board shall comply with any direction made pursuant to clause (5)(b) and received by the board. ss.88(6).

Where a board has:

(a) failed within a reasonable time to respond; or

(b) responded inadequately;

to a direction of the minister pursuant to clause (5)(b), the minister may take any action that the minister considers necessary to achieve compliance with that direction. ss.88(7).

Subject to the approval of the minister, a board may:

(a) conduct an inquiry respecting the policies of or the services provided by its police service; and

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND

Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA

Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO

Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND

Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC

An Act respecting police
organization and
amending the Police Act
and various legislation,
S.Q. 1988, c. 75, as
amended. (*)

SASKATCHEWAN

The Police Act, 1990,
S.S. 1990, c. P-15.01.

(b) take any action arising from an inquiry conducted pursuant to clause (a) that:

(i) is consistent with this Act and the regulations; and

(ii) the board considers appropriate. ss.90(1).

For the purposes of an inquiry conducted pursuant to subsection (1), a board may:

(a) appoint any person the board considers appropriate to conduct the inquiry;

(b) enter into agreements to engage the services of persons or agencies the board considers necessary for the purposes of the inquiry;

(c) engage the services of persons who have special, technical or other knowledge to advise and report on matters related to the purposes of the inquiry;

(d) pay remuneration to and reimburse the expenses of the persons mentioned in clause (a) to (c). ss.90(2).

Any persons appointed by a board to conduct an inquiry pursuant to subsection (1) have all the powers conferred on a commissioner pursuant to The Public Inquiries Act. ss.90(3).

Unless otherwise directed by the authority conducting the inquiry, an inquiry conducted pursuant to section 88, 89 or 90 is to be open to the public. s.91.

F

PROVISIONS CONCERNING THE RCMP IN PROVINCIAL LEGISLATION

PROVISIONS CONCERNING THE R.C.M.P. IN PROVINCIAL LEGISLATION

FEDERAL
Royal Canadian Mounted Police Act, R.S.C. 1985, c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c. P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988, c. 53.

MANITOBA
The Provincial Police Act, C.C.S.M. 1987, c. P.150. (**)

NEW BRUNSWICK
Police Act, S.N.B. 1977, c. P-9.2, as amended.

(A) POLICING THE PROVINCE

Provision allowing for the entering into of an agreement between the Solicitor General and the Government of Canada for the provision of a provincial policing service by the RCMP. ss.21(1).

Provision allowing for the entering into of an agreement between the minister and the Government of Canada authorizing the RCMP to carry out powers and duties of the provincial police force specified in the agreement. ss.14(1).

Provision allowing for the entering into of an agreement between the Government of Manitoba and the Government of Canada whereby the duties assigned by and under this Act to The Manitoba Provincial Police shall, during the currency of the agreement or any agreement in substitution thereof, be undertaken, assumed, and carried out, by the Royal Canadian Mounted Police; and the members of the Royal Canadian Mounted Police may exercise all the powers, and hold all the offices, conferred by or under this Act upon The Manitoba Provincial Police and members thereof. ss.15(1).

Provision allowing for the entering into of an agreement between the Lieutenant-Governor in Council and the Government of Canada for the employment of the RCMP to enforce the law and to assist in the administration of justice within the province. ss.2(1).

Every member of the Royal Canadian Mounted Police and every member of a police force has all the powers, authority, privileges, rights and immunities of a peace officer and constable in and for the province of New Brunswick... ss.2(2).

Where an agreement is entered into under subsection 14(1),

(a) the Royal Canadian Mounted Police shall, subject to the agreement, be deemed a provincial police force,

(b) every member of the Royal Canadian Mounted Police shall, subject to the agreement, be deemed a provincial constable,

(c) the provisions of this Act respecting the powers and duties of the provincial police force and provincial constables shall apply, subject to the agreement, and with the necessary changes and insofar as applicable, to the Royal Canadian Mounted Police and its members, and

(d) the officer commanding the division of the Royal Canadian Mounted Police referred to in the agreement and the second in command of the division shall be deemed the commissioner and deputy commissioner, respectively, appointed under this Act. ss.14(2).

Where an agreement has been or is made under subsection (1), while it is in effect any reference in any Act of the Legislature to The Manitoba Provincial Police, by that name or by clear implication, shall be deemed to include the Royal Canadian Mounted Police. ss.15(2).

* Unofficial translation.

** Also included in this table are the pertinent provisions of The Law Enforcement Review Act which are followed by the abbreviation L.E.R.A.

NEWFOUNDLAND

Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. R-17.

Provision allowing for the entering into of an agreement between the Lieutenant-Governor in Council and the Government of Canada for the use or employment of the RCMP in aiding the administration of justice in Newfoundland and in carrying into effect the laws in force. Agreement for Policing the Province Act, R.S.N. 1990, c. A-5, s.2.

From the date on which an arrangement referred to in section 2 is made

(a) each member of the Royal Canadian Mounted Police Force stationed in the province under this arrangement shall have the powers possessed by or given to a member of the Royal Newfoundland Constabulary, a constable or a ranger;

(b) the Officer Commanding the Royal Canadian Mounted Police Force stationed in the province under this arrangement shall have the powers possessed by or given to the Chief of Police of the Royal Newfoundland Constabulary,

by statute or otherwise. Agreement for Policing the Province Act, ss.3(1)

NOVA SCOTIA

Police Act, S.N.S. 1974, c.9, as amended.

Provision allowing for the entering into of an agreement between the Governor in Council and the Government of Canada for the use or employment of the RCMP as a Provincial Police Service to aid in the administration of justice in the province and enforce the provincial statutes and penal laws in force in the province. ss.11(1).

Each member of the RCMP force who is enforcing laws in the Province shall be ex officio a provincial constable. ss.11(3).

A member of the Royal Canadian Mounted Police while acting as a member of the Provincial Police Service shall, subject to the terms of the agreement referred to in subsection (1), be under the general direction of the Solicitor General in matters respecting the operations, policies and functions of the Provincial Police Service. ss.11(4).

No provincial police force shall be established while the agreement referred to in ss.11(1) remains in force. ss.10(7).

ONTARIO

Police Services Act, 1990, R.S.O. 1990, c. P.15.

PRINCE EDWARD ISLAND

Police Act, S.P.E.I. 1974, c. P-9, as amended.

Provision allowing for the entering into of an agreement between the Lieutenant Governor in Council and the Government of Canada for the policing of the province by the RCMP. ss.15(1).

The RCMP shall be and constitute the Prince Edward Island Provincial Police. ss.15(2).

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended. (*)

SASKATCHEWAN

The Police Act, 1990, S.S. 1990, c. P-15.01.

Subject to the approval of the Lieutenant Governor in Council, the minister, on behalf of the Government of Saskatchewan, may enter into an agreement with the Government of Canada to employ the Royal Canadian Mounted Police to aid in the administration of justice and the enforcement of the laws in force in Saskatchewan. ss.21(1).

Where an agreement has been entered into pursuant to subsection (1), the Royal Canadian Mounted Police are responsible for policing all or any portion of Saskatchewan that may be directed by the minister. ss.21(2).

Notwithstanding subsection (2), the Royal Canadian Mounted Police are not responsible for policing a municipality unless there is an agreement made pursuant to section 22 or 23 respecting that municipality. ss.21(3).

During the period of an agreement entered into pursuant to subsection (1), members of the Royal Canadian Mounted Police:

(a) are peace officers; and

(b) shall fulfil the duties and may exercise the powers conferred by any Act or law on peace officers or constables with respect to the preservation of peace, the prevention of

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act 1992,
 S.N. 1992, c. R-17.

The powers given by subsection (1) to each member and to the Officer Commanding may be exercised anywhere in the province in respect of every part of the province policed by the Royal Canadian Mounted Police Force in accordance with an arrangement made under section 2. Agreement for Policing the Province Act, ss.3(2).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

crime and the enforcement of laws in force in Saskatchewan. ss.21(4).

Where an agreement has been entered into pursuant to subsection 21(1), the minister, on behalf of the government of Saskatchewan, may enter into an agreement with a municipality having a population of 1500 or less for the services of the Royal Canadian Mounted Police in aiding the administration of justice and providing policing services within the municipality. ss.22(1).

During the period of an agreement entered into pursuant to subsection (1), members of the Royal Canadian Mounted Police shall fulfil the duties and may exercise the powers conferred on constables or peace officers by the municipality or any Act or law in force in Saskatchewan. ss.22(2).

Subject to the approval of the Lieutenant Governor in Council, a municipality having a population of more than 1500, but not more than 20,000, may enter into an agreement with the Government of Canada to employ and pay for a sufficient number of members of the Royal Canadian Mounted Police to provide policing services within the municipality. ss.23(1).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

**(B) POLICING MUNICI-
PALITIES**

The council of a municipality may enter into an agreement with the Government of Canada for the provision of policing services to the municipality by the RCMP. para. 22(3)(a).

A municipality may enter into an agreement with the provincial minister under which the policing in the municipality will be provided by the provincial police force. para. 3(2)(b).

The government of Manitoba may enter into an agreement with a municipality and with the Government of Canada for policing of the municipality by the RCMP. s.16.

A municipality may enter into an agreement with the Lieutenant-Governor in Council or with the Government of Canada for the policing of the municipality by the Royal Canadian Mounted Police. para. 4(a)(b).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Subject to the approval of the Solicitor General a municipality may enter into an agreement(s) with the government of the Province, or with the Government of Canada ... for the use or employment of an established police force ... as the municipal police force for the municipality. ss.17(1).

The obligation of a municipality to provide and maintain a police force may be discharged,

(a) ...; or

(b) ...; or

(c) by the Province providing and maintaining police services in the municipality pursuant to Section 11 (R.C.M.P.), and not otherwise. ss.12(2).

During the period of an agreement entered into pursuant to subsection (1), members of the Royal Canadian Mounted Police shall fulfil the duties and may exercise the powers conferred on constables or peace officers by the municipality or any Act or law in force in Saskatchewan. ss.23(2)

Notwithstanding any other provision of this Act or any other Act, where, in the opinion of the minister:

(a) an emergency exists; and

(b) it is in the best interests of the administration of justice in Saskatchewan that the services of the Royal Canadian Mounted Police be used in any municipality to provide adequate policing services;

the Lieutenant Governor in Council, by order, may make provision for the employment of the Royal Canadian Mounted Police to provide policing services to the municipality for any time that the Lieutenant Governor in Council considers advisable. ss.24(1).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
S.Q. 1988, c. 75, as
amended. (*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

A municipality shall:

- (a) establish its own police service; or
- (b) enter into an agreement with the Government of Saskatchewan, pursuant to section 22, or the Government of Canada, pursuant to section 23, to have policing services provided by the Royal Canadian Mounted Police. ss.26(1).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.
P.150.

(C) ADMINISTRATIVE
MATTERS

Notwithstanding anything in this Act, all police services and peace officers shall act under the direction of the Attorney General in respect of matters concerning the administration of justice and the enforcement of those laws that the Government of Alberta is required to enforce. ss.2(2).

The RCMP, with respect to their duties as the provincial police service shall, subject to the terms of the agreement referred to in subsection 21(1), be under the general direction of the Solicitor General of Alberta in matters respecting the operations, policies and functions of the provincial police service other than those matters referred to in section 2(2). ss.21(3).

The Solicitor General may make regulations, governing firearms with respect to police officers and special constables. para. 62(1)(d).

It is the function of the British Columbia Police Commission to, inspect and report upon the quality and standard of police services delivery, including without limiting the foregoing, inspecting police operations and procedures, evaluating programs for training persons who intend to become constables, constables who require retraining and constables who are eligible for advanced training, and evaluating standards of policing; make recommendations to the minister on minimum standards respecting ... the use of firearms and equipment and any other matter relating to police and policing; assist in the coordination of policing by the provincial police force and municipal police forces. subparas. 42(1)(c)(i)(ii)(iii), 42(1)(g)(i).

The Minister shall

(a) ..., and

(b) co-ordinate the work and efforts of police forces and the Royal Canadian Mounted Police within the Province. ss.1.1(1).

For the purposes of subsection (1), the Minister may

(a) consult with and advise boards, councils, police forces and the Royal Canadian Mounted Police on matters relating to policing,

(b) provide to boards, councils, police forces and the Royal Canadian Mounted Police

(i) information and advice respecting the management and operation of police forces and the Royal Canadian Mounted Police in handling special problems, and

(ii) such other information as the Minister considers to be of assistance,

(c) establish a system of inspection and review of police forces,

(d) establish and maintain a central information and statistics service and perform research for the purposes of aiding police forces and the Royal Canadian Mounted Police,

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

The Commission shall perform the functions and duties assigned to it by this Act, the Governor in Council or the Solicitor General and the Commission shall consult with and advise boards of police commissioners and other police authorities and chiefs of police on all matters relating to public complaints and internal discipline; conduct investigations and inquiries in accordance with this Act; provide investigative and administrative support to the Review Board; and make recommendations with respect to amendments to this Act or the regulations or to any other enactment dealing with law enforcement paras. 5(a)(b)(c)(d).

The Commission or any member thereof designated by the Chairman may investigate, inquire into and report upon the administration of any police force. para. 8(2)(b).

The Governor in Council may make regulations, for the government of police forces and governing the conduct, duties, suspension and dismissal of members of police forces; prescribing the records, returns, books and accounts to be kept and made by police forces or the members thereof; prescribing the method of

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

The Lieutenant-Governor in Council may make rules and regulations with respect to, ranks and promotions within the P.E.I. Provincial Police; and the duties of the force and of officers appointed for the enforcement of provincial statutes. paras. 14(a)(b).

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Where a municipality has established a police service pursuant to section 26, the board is responsible:

(a) for the delivery of policing services within the municipality; and

(b) for:

(i) providing general direction, policy and priorities; and

(ii) developing long-term plans;

for the police service. ss.31(1).

Where, pursuant to section 22 or 23, an agreement exists between a municipality and the Government of Saskatchewan or Canada for the employment of the Royal Canadian Mounted Police to provide policing services in the municipality:

(a) Part IV and sections 83 to 85 do not apply to the Royal Canadian Mounted Police; and

(b) the board shall act in an advisory capacity to the member in charge of the Royal Canadian Mounted Police detachment responsible for providing the policing services. s.34.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(e) promote and assist in the development and installation of a communication system for all or any police force,... ss.1.1(2).

Subject to this Act and the regulations, the Minister may issue guidelines and directives to any police force within the Province for the attainment of the purposes of subsection (1). ss.1.1(3).

The annual report filed by the New Brunswick Police Commission shall include all aspects of policing in the Province and an assessment of the adequacy of policing by each police force and by the RCMP. ss.24(1).

The Lieutenant-Governor in Council may make regulations respecting the confidentiality of police files, investigations or briefs and the disclosure of information contained therein. para. 38(f).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

accounting for fees and
 costs and other money
 that comes into the hands
 of members of police
 forces. paras.
 46(1)(a)(t)(u).

For the purpose of
 enforcing a regulation,
 permit, bylaw or order
 imposing vehicle weight
 restrictions in a city, town,
 village, rural municipality
 or northern municipality or
 the northern administration
 district:

(a) a member and a
 member of the Royal
 Canadian Mounted Police
 have all the powers
 conferred on police
 constables by section 71
 of The Highways and
Transportation Act; and

(b) the section mentioned
 in clause (a) applies, with
 any necessary modifi-
 cation, where that member
 or member of the Royal
 Canadian Mounted Police
 has reason to believe that
 the maximum gross
 weights contained in a
 regulation, permit, bylaw
 or order have been
 exceeded. s.81.

No member who has not
 attended and successfully
 completed a course of
 training established or
 approved by the minister
 shall at any time carry
 firearms while acting in the
 scope of his or her
 employment as a member.
 s.82.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(D) LIABILITY FOR
 VIOLATIONS OF
 PROVINCIAL
 STATUTES

A member of the RCMP or a police officer who is charged with an offence under a provincial statute, shall not be convicted if it is made to appear to the judge that the person charged with the offence

(a) committed the offence while discharging his responsibilities;

(b) was reasonably justified in committing the offence having regard to the responsibility being discharged, and

(c) conducted himself in a reasonable manner having regard to all the circumstances. ss.3(4).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as
 amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

No action shall be brought against any officer, constable or member of the said force for anything done by him in the reasonable discharge of his duty. s.12.

A member of the force, or any person acting under instructions given by the Minister of Justice or by the officer commanding the force, shall not be convicted for the violation of any provincial Act if it is made to appear to a justice or Provincial Judge before whom the complaint is heard, that the person charged with the offence, committed it while acting under the instructions for the purpose of obtaining evidence. ss.13(1).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

(E) **COMPLAINTS,
 INVESTIGATIONS
 OR INQUIRIES
 INTO THE CON-
 DUCT OF MEM-
 BERS OF THE
 ROYAL CANADIAN
 MOUNTED POLICE**

(for elaboration of
 the complaint
 procedure, see the
 Complaint Process
 chart)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

Notwithstanding Sections 43 to 48, complaints with respect to members of the Royal Canadian Mounted Police shall

a) be in writing and signed by the complainant where practicable,

b) be sent to the Commanding Officer responsible for the Royal Canadian Mounted Police in Alberta, and

c) subject to any agreement entered into between the Government of Canada and the Government of Alberta or a municipality, as the case may be, be resolved in accordance with the laws governing discipline within the Royal Canadian Mounted Police. s.49.

If a complaint is made, ...

b) the Commanding Officer (of the RCMP) ..., shall, at the end of the month in which the complaint is made or within a longer period of time as prescribed by the Chairman of the Board, advise the Chairman of the complaint and, after the disposition of the complaint, advise the Chairman as to how the complaint was disposed of. s.52.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

The RCMP is excluded from Part 9 of the Act, Citizen Complaint Procedure, by virtue of the definition of "provincial constable" which does not include a member of the Royal Canadian Mounted Police serving the Province. s.49.

Notwithstanding this Act,

a) the minister, or

b) the commission, either on its own initiative or on receiving a request from the complaints commissioner or a board,

may at any time order an investigation to be made respecting an act or omission of any person appointed under this Act. ss.46(1).

An investigation under subsection 46(1) shall be made by the persons and in the manner the minister or the commission specifies in the order. ss.46(2).

N.B. Strangely, the investigation referred to in section 46 would appear to apply only to the officer commanding the division of the Royal Canadian Mounted Police and the second in command of the division, as they are deemed the commissioner and deputy commissioner, respectively, appointed under this Act. para. 14(2)(d).

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

Subject to the approval of the minister, the commissioner of the Manitoba Provincial Police may make a special inquiry into the conduct of any member of the force or into any complaint against such member, or into any complaint respecting the enforcement of any penal law in force in Manitoba, by a member of the force. ss.10(1).

N.B. Subsection 10(1) applies to the R.C.M.P. by virtue of subsection 15(2) which states that "... any reference in any Act of the Legislature to The Manitoba Provincial Police, by that name or by clear implication, shall be deemed to include the Royal Canadian Mounted Police." ss.15(2).

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.
P.150.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

The Commission or any member thereof designated by the Chairman may investigate, inquire into and report upon the conduct of or the performance of duties by any chief of police, other police officer, constable, special constable or municipal by-law enforcement officer. para. 8(2)(a).

N.B. It would appear that the term 'constable' in the aforementioned section could encompass the Royal Canadian Mounted Police, as a Provincial Police Force (whose members shall be known as provincial constables), shall not be established while an agreement is in force between the Governor in Council and the Government of Canada for the use or employment of the Royal Canadian Mounted Police to enforce the laws of the Province. ss.10(7), ss.11(1).

Furthermore, subsection 11(3) provides, in part, that while such agreement (ss.11(1)) is in force, each member of the Royal Canadian Mounted Police who is enforcing laws in the province, shall be ex officio a provincial constable.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

The officer commanding the force may hold an inquiry into the conduct of any member of the force or of any officer or employee under his control and upon the inquiry has and may exercise the powers and authority conferred by the rules and regulations made pursuant to this Act. s.3.

N.B. Section 3 applies to the RCMP, as subsection 15(2) provides that during the continuance of the agreement for policing of the province by the RCMP, that they shall therefore be and constitute the Prince Edward Island Provincial Police.

QUEBEC
An Act respecting police
organization and
amending the Police Act
and various legislation,
 S.Q. 1988, c. 75, as amended. (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

If the Minister considers it advisable, the minister may order a special inquiry to be made with respect to:

- (a) the operation and administration of any police service;
- (b) the conduct of any member; or
- (c) any other matter relating to policing. ss.88(1).

Subject to the approval of the minister, the commission may:

- (a) conduct an inquiry respecting:
 - (i) the extent of crime or standard of law enforcement in any municipality;
 - (ii) the competency or adequacy of personnel of a police service;
 - (iii) the adequacy and standard of equipment used by a police service;
 - (iv) the suitability of accommodation, including lock-up facilities, provided by a police service; or
 - (v) any other matter which is related to the standard of policing and law enforcement provided within a municipality; and
- (b) take any action arising from the inquiry that it considers appropriate. ss.89(1).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

The Solicitor General may make regulations governing the providing of information to the Chairman of the Board under section 52 and the release of that information by the Chairman. para. 62(1)(e).

The Board may, on its own motion, conduct inquiries respecting complaints ... and shall at the request of the Solicitor General conduct inquiries in respect of any matter respecting policing or police service. para. s. 17(1)(a)(c).

If the Board is of the opinion that the actions of a police officer who is the subject of an appeal or an inquiry may constitute an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the Board shall refer the matter to the Attorney General. ss.17(2).

The RCMP and members of the RCMP are deemed to be a provincial police force and provincial constables, respectively, however, they are not appointed under this Act as is the commanding officer in the capacity of commissioner.

Except as otherwise provided in this section, the Commissioner shall not employ for purposes of investigation any person who is, or at the time of the occurrence complained of was, a member of the police department involved in the complaint. ss.12(7).
L.E.R.A.

NEWFOUNDLAND

Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA

Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO

Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND

Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC

An Act respecting police
organization and
amending the Police Act
and various legislation,
S.Q. 1988, c. 75, as
amended. (*)

SASKATCHEWAN

The Police Act, 1990,
S.S. 1990, c. P-15.01.

COMPLAINT PROCESS

- A. Mandate
- B. Receipt of Complaint
- C. Procedure for Dealing with Complaints
 - I. Notification
 - II. Informal Disposition of Complaints
 - III. Investigation
 - IV. Reporting
 - 1. Interim
 - 2. Final
 - V. Review by Another Body
 - 1. Action Taken
- VI. Hearing Process
 - 1. Notice
 - 2. Composition of the Hearing Panel
 - 3. Rights of Persons Interested
 - 4. Compellability
 - 5. Public Hearing
 - 6. Disposition of Complaints
 - 7. Reporting
- D. Appeal
- E. Offence

COMPLAINT PROCESS

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police Act,
C.C.S.M. 1987, c. P.150.
(**)

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(A) MANDATE

The Public Complaints Commission or its Chairman is authorized:

(1) to receive complaints made by any member of the public concerning the conduct, in the performance of any duty or function under this Act,

of any member or other person appointed or employed under the authority of this Act (ss.45 35(1)) and to send them to the Commissioner of the R.C.M.P. for investigation (ss.45 35(3));

(2) to review a complaint referred to it by a complainant who is not satisfied with its disposition by the Force: ss.45.41(1);

(3) to conduct further investigation into a complaint or to institute a hearing: para. 45.42(3)(c);

(4) to make findings and recommendations following an investigation (ss.45 43(3)) or a hearing (ss.45.45(14),

(5) to make findings and recommendations in a final report after having received the Commissioner's notice: ss.45.46(3).

The Law Enforcement Review Board

(a) may, on its own motion, conduct inquiries respecting complaints,

(b) shall conduct appeals (from a chief of police or another police officer in respect of the findings or action taken against him as a result of a complaint) referred to the Board under section 48. ss.17(1).

The Board shall not commence an inquiry under paragraph 17(1)(a) with respect to a matter that is the subject of an inquiry by the commission pursuant to section 32, until such inquiry is completed. ss.32(12).

The duties of the complaint commissioner are

(a) to receive complaints from the public against constables,

(b) to record complaints received and forward them to the disciplinary authority,

(c) to establish and maintain a record of all complaints received by municipal police forces against the conduct of municipal constables, and their disposition,

(d) to inform, advise and assist complainants, constables complained against, disciplinary authorities, boards and the commission, in respect of the handling of citizen complaints,

(e) to monitor the handling of complaints and act in the public interest to ensure complaints are handled in the manner specified by this Act and the regulations,

(f) to inspect annually, or as required, the records, operations and systems of administration for handling of citizen complaints by municipal police forces, and

(g) to publicize the function and duties of the complaint commissioner. ss.50(1).

Where the commissioner (of the Manitoba Provincial Police) deems it advisable to make any special inquiry into the conduct of any member of the force (The Manitoba Provincial Police), or into any complaint against any such member, or into any complaint respecting the enforcement of any penal law in force in Manitoba, by a member of the force, he shall, subject to the approval of the minister, proceed in such manner as may be deemed necessary. ss.10(1).

Where a complaint is made to a police commission about the conduct of a member of a police force or any matter relating to the maintenance and operation of the police force, the police commission shall inquire into or investigate the complaint and shall make an order or other determination in respect of the complaint. ss.26(4).

Where the conduct of a member of a municipal police force is the subject matter of a complaint under The Law Enforcement Review Act, there shall be no inquiry, investigation or hearing by any police commission or a provincial judge under this

Notwithstanding the provisions for referring complaints to other bodies (subsections 26(2), 26(3),) where the Commission is of the opinion that it is in the public interest that it oversee the disposition of a complaint, or where a chief of police is the subject of the complaint, the Commission may

(a) appoint an investigator to conduct an investigation into the complaint, or

(b) conduct a hearing into the complaint, or both. ss.26(5)(6).

* Unofficial translation

** Also included in this table are the pertinent provisions of The Law Enforcement Review Act which are followed by the abbreviation L.E.R.A.

NEWFOUNDLAND

Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. R-17.

The Lieutenant-Governor in Council shall appoint a Royal Newfoundland Constabulary Public Complaints Commission consisting of a commissioner. ss.18(1).

The commissioner shall supervise and direct the officers, investigators and other employees and the work of the commission. ss.18(2).

The commissioner shall

(a) serve for 5 years during good behaviour; and

(b) continue in office until he or she is reappointed or replaced. ss.18(3).

The commissioner shall

(a) act as a registrar of complaints received and ensure that complaints are dealt with in accordance with this Act; and

(b) perform the duties and functions prescribed for him or her by this Act. ss.18(4).

Where the commissioner is unable to act as commissioner the Lieutenant-Governor in Council may temporarily appoint a person to carry out the duties of the commissioner under this Act, and where the position of commissioner is vacated, the Lieutenant-Governor in Council shall appoint a person to fill that

NOVA SCOTIA

Police Act, S.N.S. 1974, c.9, as amended.

A complaint respecting the police force generally or the conduct or performance of a duty of a member of a municipal police force other than the chief officer shall be referred to the chief officer of that police force in accordance with the regulations. ss.23(1).

A complaint respecting the conduct or performance of duty of a member of a municipal police force who is the chief officer shall be referred to the board (municipal Board of Police Commissioners). ss.24(1).

ONTARIO

Police Services Act, 1990, R.S.O. 1990, c. P.15.

Complaints by members of the public about the conduct of police officers shall be dealt with in accordance with this Part (Part VI - Public Complaints). s.75.

Every chief of police shall establish and maintain a public complaints investigation bureau. ss.76(1).

If the police force has fewer than twenty police officers, the bureau of another police force may, under an agreement made in accordance with section 7(municipal agreements for sharing police services) or 10 (municipal agreements for provision of police services by O.P.P.), act as the first-named police force's bureau as well; in that case, subsections (1) and (2) do not apply. ss.76(3).

The chief of police may authorize any police officer of the rank of inspector or higher (from another police force if there is none in the chief's own police force) to exercise any power or perform any duty of the chief of police referred to in this Part. ss.107(1).

A complaint that is made more than six months after the incident to which it relates shall be further dealt with under this Part only if the Commissioner so directs. ss.77(7).

PRINCE EDWARD ISLAND

Police Act, S.P.E.I. 1974, c. P-9, as amended.

The provision for inquiring into the conduct of members of the force makes no reference to complaints, although this would seem to be one way of initiating the inquiry.

The officer commanding the force may hold an inquiry into the conduct of any member of the force or of any officer or employee under his control and upon the inquiry has and may exercise the powers and authority conferred by the rules and regulations made pursuant to this Act. s.3.

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended. (*)

The police ethics commissioner shall receive and examine any complaint lodged against a police officer by any person pursuant to section 51. s.36, para. 1.

SASKATCHEWAN

The Police Act, 1990, S.S. 1990, c. P-15.01.

The Lieutenant Governor in Council shall appoint a person as complaints investigator. ss.16(1).

The investigator shall perform any duties:

(a) imposed by this Act or any other Act on the investigator; or

(b) specified by the Lieutenant Governor in Council. ss.16(2).

In this Part:

"public complaint" means a complaint initiated by a member of the public outside the police service. para. 37(e).

Where internal discipline proceedings against a member are initiated with respect to a matter that directly relates to a member of the public:

(a) the proceedings shall be conducted pursuant to sections 45 to 48;

(b) the matter is deemed to be a public complaint; and

(c) the member of the public to whom the matter directly relates is deemed to be the complainant. ss.54(2).

Where internal discipline proceedings against a chief are initiated with respect to a matter that directly relates to a member of the public:

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

"complaint commissioner"
 means the member of the
 commission appointed by
 the minister to perform the
 duties of the complaint
 commissioner. s.49.

Act, in respect of the same
 conduct except as pro-
 vided or authorized by The
Law Enforcement Review
Act, ss.26(11); ss.41(2),
L.E.R.A..

* Unofficial translation.

** Also included in this table are the pertinent provisions of The Law Enforcement Review Act which are followed by the abbreviation L.E.R.A.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

vacancy and that person shall be appointed to hold office for the remainder of the term of office of the commissioner being replaced. ss.18(5).

The commissioner may

(a) receive and review a complaint made against a police officer;

(b) investigate a complaint; and

(c) dismiss or refer a complaint for a hearing under section 28. ss.19(1).

The commissioner or an adjudicator shall not consider a complaint which relates to Part IV (Labour Relations) or an agreement resulting from negotiations under Part IV. ss.19(2).

The commissioner may make recommendations respecting matters of concern or interest to the public relating to police services by sending the recommendations, with supporting documents, to the chief and a copy to the minister. ss.19(3).

The officers, investigators and employees that are necessary for the proper conduct of the work of the commission shall be appointed at the direction of the minister in the manner established by law. ss.20(1).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

In this Part, "Commissioner" means the Police Complaints Commissioner appointed under section 99. ss.73(1).

The Lieutenant Governor in Council shall appoint a Police Complaints Commissioner, to hold office for a term not exceeding five years. ss.99(1).

The Commissioner may be reappointed for a further term or terms not exceeding five years in each case. ss.99(2).

The Commissioner shall maintain copies of all records, reports and other materials received under this Part. ss.99(5).

The Commissioner shall monitor the handling of complaints by bureaus and chiefs of police. ss.99(6).

The Commissioner shall report annually to the Attorney General. ss.99(9).

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

(a) the proceedings shall be conducted pursuant to sections 49 to 52;

(b) the matter is deemed to be a public complaint; and

(c) the member of the public to whom the matter directly relates is deemed to be the complainant. ss.55(2)

Where proceedings pursuant to this Part are based on a public complaint with respect to a member, the chief, in consultation with the investigator, shall determine whether the complaint or a portion of the complaint is a complaint as to:

(a) the policies of or the services provided by the police service; or

(b) the actions of the member. ss.43(1).

Where proceedings pursuant to this Part are based on a public complaint with respect to a chief, the board, in consultation with the investigator, shall determine whether the complaint or a portion of the complaint is a complaint as to:

(a) the policies of or the services provided by the police service; or

(b) the actions of the chief. ss.43(2).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

* Unofficial translation.

** Also included in this table are the pertinent provisions of The Law Enforcement Review Act which are followed by the abbreviation L.E.R.A.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

The commissioner shall as he or she considers necessary but at least annually report to the House of Assembly on the work of the commission under this Act and the commissioner shall call attention to anything that he or she considers significant. ss.39(1).

Each report of the commissioner referred to in subsection (1) shall be submitted to the Speaker of the House of Assembly and the speaker shall table each report before the House of Assembly immediately after receipt of the report by him or her or, where the House of Assembly is not then in session, on the 1st day of the commencement of the next session of the House of Assembly or on the 1st day after the House of Assembly resumes sitting following an adjournment. ss.39(2).

The annual report of the commissioner shall be submitted not later than January 31 following the close of the fiscal year to which the report relates. ss.39(3).

Where, respecting a complaint or proceedings resulting from a complaint under this Part, there is a conflict with a collective

A public complaint that concerns:

(a) the policies of or services provided by a police service is to be disposed of in accordance with section 44;

(b) the actions of a member is to be disposed of in accordance with sections 45 to 48;

(c) the actions of a chief is to be disposed of in accordance with sections 49 to 52. ss.43(3).

This Part does not preclude the taking or continuing of civil or criminal proceedings against a member or chief. ss.40(1).

Notwithstanding anything in this or any other Act, where a matter has been referred to the minister or the Attorney General for Canada, the minister may order that any proceeding pursuant to this Act be suspended until the minister directs otherwise. s.57.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

agreement made under
 Part IV (Labour Relations)
 this Part shall prevail.
 ss.43(3).

Nothing in this Act shall
 preclude prosecution
 under an Act of the Parlia-
 ment of Canada or
 another Act or the com-
 mencement of a civil
 action arising out of a
 complaint. ss. 58(1).

A person is not liable for
 loss or damage suffered
 by another person
 because of anything done
 or omitted to be done in
 good faith pursuant to or
 in the exercise or supposed
 exercise of the powers
 conferred by this Act.
 ss.58(2).

Where this Act conflicts
 with another Act, this Act
 shall prevail. ss.61 (2).

Where, prior to the coming
 into force of this Act, a
 disciplinary proceeding
 has been begun against a
 police officer under the
 former Act, or regulations
 made under that Act, and
 has not been concluded,
 the former Act and the
 regulations made under it
 continue to apply to the
 proceeding as if that Act
 had not been repealed by
 this Act. s.63.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

(B) RECEIPT OF COMPLAINTFEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

The Public Complaints Commission may receive a complaint:

- directly from a member of the public initially, ss.45.35(1);
- for review, as a result of dissatisfaction by the complainant with the disposal of the complaint by the Commissioner of the RCMP, ss.45.41(1);
- initiated at the hand of the Commission Chairman. ss.45.37(1).

Any member of the public, ..., whether or not that member of the public is affected by the subject matter of the complaint, may make the complaint to

- (a) the Commission;
- (b) any member or other person appointed or employed under the authority of this Act; or
- (c) the provincial authority in the province in which the subject-matter of the complaint arose that is responsible for the receipt and investigation of complaints by the public against police. ss.45.35(1).

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

All complaints with respect to a police service or a police officer, other than the chief of police, shall be referred to the chief of police. ss.43(1).

All complaints with respect to the chief of police shall be referred to the chairman of the commission. ss.43(2).

A public complaint with respect to a police service or a police officer shall be in writing and signed by the complainant where practicable. ss.43(3).

Where the chief of police initiates a complaint with respect to a police officer, he shall deal with it in the same manner as if it were made by another person and referred to him under subsection (1). ss.43(6).

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

A person having a complaint against a constable shall complain to one of the following:

- (a) the disciplinary authority;
- (b) the complaint commissioner;
- (c) in the case of a municipal constable, the senior constable on duty at the time the complaint is made. s.52.

"disciplinary authority" means, where a complaint is made against

- (a) the commissioner, the minister or a person, including the commission, the minister appoints in writing,
- (b) a provincial constable, the commissioner or a member of the provincial police force the commissioner appoints in writing,
- (c) the chief constable of a municipal police force, the board responsible for the municipal police force or a person, including the commission, the board appoints by resolution, and
- (d) a municipal constable, the chief constable of that municipal police force or a member the chief constable appoints in writing. s.49.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

Every person who feels aggrieved by a disciplinary default allegedly committed by any member of a police department (defined as municipal s.1) may file a complaint under this Act. ss.6(1), The Law Enforcement Review Act.

The complaint may be filed notwithstanding that the alleged disciplinary default has affected some person other than the complainant, but has not affected the complainant. ss.6(2), L.E.R.A.

Every complaint shall be in writing signed by the complainant setting out the particulars of the complaint, and shall be submitted to

- (a) the Commissioner (appointed under the Law Enforcement Review Act, s.1); or
 - (b) the Chief of Police of the department involved in the complaint; or
 - (c) any member of the department involved in the complaint;
- not later than 30 days after the date of the alleged disciplinary default. ss.6(3), L.E.R.A.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

Where a person has a complaint relating to the conduct of a member of a police force, he may state his complaint in writing to the chairman of the Commission. ss.26(1); to a board, or a council where a board has not been established, ss.27(1); to a chief of police, ss.27(1).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

A person other than a police officer may file a complaint concerning the conduct of a police officer in writing at a constabulary office or with the commissioner. ss.22(1).

A complaint made under subsection (1) shall be a complaint which, if substantiated, would lead to review and discipline under this Act. ss.22(2).

The complainant shall be given a statement, in a form prescribed by the regulations, that sets out the procedures to be followed in dealing with a complaint and describes the rights of the complainant. ss.22(3).

A complaint made under subsection (1) shall be made within 3 months after the alleged misconduct occurs or, in the case of a continuing misconduct, within 3 months after the last incidence of the alleged misconduct. ss.22(4).

Notwithstanding subsection (4), the 3 month time limit referred to in that subsection shall not begin to run against a complainant until he or she knows or, considering all circumstances of the matter, ought to know that he or she has a right of complaint concerning the conduct of a police officer and the burden of proving a

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

A member of the public may make a complaint concerning a member of a municipal police force, including its chief officer, to

(a) the complaints officer of the police force of which the person complained of is a member or, if the complaints officer is not available, to any member of that police force;

(b) the secretary to the board of police commissioners of the municipality which the police force is responsible for policing, or

(c) the Commission,

within thirty days after the occurrence which gave rise to the complaint. subreg. 6(2), N.S. Reg. 101/88.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

A member of the public may make a complaint about the conduct of a police officer, orally or in writing,

(a) at the bureau of the police force to which the complaint relates, or at a station or detachment of that police force; or

(b) at an office of the Commissioner; or

(c) at any bureau, police station or detachment. ss.77(1).

The person who receives the complaint shall record it on a form provided by the Commissioner and shall give a copy of the completed form to the person who makes the complaint. ss.77(2).

The person who makes the complaint shall also be given a statement, in a form provided by the Commissioner, that sets out the procedures followed in dealing with a complaint and describes the rights of a complainant. ss.77(3).

The person on duty who is in charge of a place when a complaint is received shall,

(a) take all reasonable steps to ensure that evidence that might otherwise be lost is secured immediately;

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

Any person may lodge a complaint with the commissioner against a police officer for conduct, in the performance of his duties, constituting a transgression of the Code of ethics. The complaint shall be in writing. s.51.

The right to lodge a complaint in matters of ethics against a police officer is prescribed by two years, except where the transgression is also a criminal offence punishable by way of indictment only. Prescription runs from the occurrence of the alleged transgression. s.52.

The commissioner shall keep a record of all complaints he receives, in the form and manner he determines. He shall acknowledge receipt in writing of every recorded complaint. s.56.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

A member of the public may make a public complaint at:

(a) the police station or board office of the affected police service;

(b) the office of the investigator; or

(c) the department. ss.38(1).

A person who receives a public complaint shall:

(a) record the complaint in the prescribed form; and

(b) inform the person making the complaint of:

(i) the procedures that will be followed; and

(ii) the rights of appeal pursuant to this Act. ss.38(2).

No public complaint shall be received pursuant to this section after the expiry of six months from the day on which the complainant should have been aware of the incident complained of. ss.38(5).

Where the investigator receives a public complaint pursuant to section 38, the investigator shall:

(a) record the complaint received;

(b) establish and maintain a record of all public complaints received by police services and their dispositions;

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

Every member who receives a verbal complaint concerning conduct which may constitute a disciplinary default shall forthwith inform the person making the verbal complaint that a complaint under this Act must be made in writing and shall forthwith inform the person of the relevant time limits set out in this section. ss.6(4), L.E.R.A.

Where the complainant is unable to reduce the complaint into writing, the person to whom the complaint is made shall

- (a) take down the complaint in writing;
- (b) read the complaint back to the complainant; and
- (c) have the complainant sign the complaint. ss.6(5), L.E.R.A.

Where the complainant has no reasonable opportunity to file a complaint within the time period set out in subsection (3), the Commissioner may extend the time for filing the complaint to a date not later than six months after the date of the alleged disciplinary default. ss.6(6), L.E.R.A.

Where an alleged disciplinary default occurs in the course of an investigation, arrest or other action by a member which results in a criminal charge against the complainant, the Commissioner may extend the time for filing the complaint to a date not later than one year after the date of the alleged disciplinary default or 30 days after the final disposition of the criminal charge, whichever is the sooner. s.6(7), L.E.R.A.

NEWFOUNDLAND

Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. R-17.

postponement of the running of time under this subsection is upon the complainant claiming the benefit of that postponement. ss.22(5).

Where a postponement of filing a complaint is claimed under subsection (5), the matter of that postponement shall be referred to the commissioner who shall determine whether or not the complaint may be filed. ss.22(6).

Where a complaint is made by a person other than the person who is alleged to have been subjected to the misconduct, the commissioner may refuse to act on the complaint unless the person alleged to have been subjected to the misconduct consents. ss.22(7).

Where a police officer against whom a complaint has been made resigns or retires from the constabulary before the completion of an investigation or hearing under this Part, the complaint may be dealt with under this Part as if that police officer had not resigned or retired. ss.22(8).

Where a complaint has been made against the chief, that complaint shall be immediately taken up by the commissioner as if that complaint were an appeal under subsection 25(3), s. 21.

NOVA SCOTIA

Police Act, S.N.S. 1974, c.9, as amended.

ONTARIO

Police Services Act, 1990, R.S.O. 1990, c. P.15.

(b) if he or she considers it appropriate, ensure that a preliminary investigation is conducted immediately; and

(c) ensure that a report on the evidence and on the preliminary investigation, if any, is forthwith prepared and attached to the complaint. ss.77(4).

In exceptional circumstances, the Attorney General may direct the Commissioner to make a complaint about the conduct of a police officer. ss.78(1).

The Commissioner shall cause the complaint to be recorded and shall send copies to the bureau and the chief of police of the force to which it relates. ss.78(2).

The Commissioner is the complainant in the case of a complaint made under this section. ss.78(3).

Subsection 77(7) and sections 80 (notice to potential complainant), 81 (classification of complaint), 82 (reclassification), 83 (informal resolution) and 85 (decision by chief of police re no further action) do not apply to complaints made under this section. ss.78(4).

PRINCE EDWARD ISLAND

Police Act, S.P.E.I. 1974, c. P-9, as amended.

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended.

(*)

SASKATCHEWAN

The Police Act, 1990, S.S. 1990, c. P-15.01.

(c) inform, advise and assist complainants;

(d) advise and assist the chiefs and boards, the hearing officer and the commission with respect to the handling of public complaints;

(e) monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest;

(f) inspect annually, or at those times directed by the minister, the records, operations and systems of administration for the handling of public complaints by police services. ss.39(1).

In exercising the duties of the investigator pursuant to this section, the investigator:

(a) shall receive and obtain information respecting a public complaint from the complainant;

(b) may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate;

(c) may request access to any files or other material in the possession of the police service relevant to a public complaint; and

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

Where a criminal investigation is being conducted or a prosecution is commenced under an Act of the Parliament of Canada or another Act relating to the subject-matter of a complaint, proceedings under this Part shall be suspended pending a decision on that prosecution. ss.43(1).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

The Commissioner may authorize any member of his or her staff to exercise any power or perform any duty of the Commissioner referred to in this Part. ss.107(2).

When the bureau receives a complaint, the person in charge shall consider whether it relates to possible misconduct under section 56, to other matters or to both. ss.81(1).

If the person in charge is of the opinion that all or part of the complaint relates only to other matters than possible misconduct, he or she may, with the Commissioner's consent, classify the complaint or part as an inquiry. ss.81(2).

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

(d) may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint. ss.39(2).

Where the investigator has requested access to files or other material pursuant to clause (2)(c), the police service shall comply with that request. ss.39(3).

Where a board, police service, chief or member refuses to comply with a request made pursuant to clause (2)(c), the investigator may apply to Her Majesty's Court of Queen's Bench for Saskatchewan for an order compelling the board, police service, chief or member to comply with the request. ss.39(4).

Subject to this Act and the regulations, the investigator shall hold all information obtained pursuant to clause (2)(c) in confidence. ss.39(5).

The investigator shall not provide a complainant with any information regarding a complaint which may jeopardize a police investigation. ss.39(6).

Subject to subsection (8):

(a) no oral or written statement received by the investigator shall be used or received as evidence in any civil proceeding or in any proceeding under any other Act; and

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

(b) the investigator is not compellable to give testimony or to produce a statement obtained in exercising a power or performing a duty pursuant to this section. ss.39(7).

Subsection (7) does not apply to a proceeding pursuant to this Act or a disciplinary code prescribed in the regulations. ss.39(8).

The investigator may delegate to any employee or agent of the investigator any powers vested in the investigator pursuant to this section, subject to any conditions that the investigator may specify. ss.39(9).

Where a public complaint has been resolved pursuant to this Part and all time limits for appeal have expired with respect to that public complaint, the investigator, within 30 days, shall provide to the commission a report in the prescribed form regarding the resolution of that public complaint. ss.39(10).

The commission, with the approval of the minister, may issue written directions to the investigator regarding the general conduct of the investigator's duties but shall not comment on the handling of specific cases. ss.39(11).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Where a public complaint concerns the policies of or the services provided by a police service, the chief shall immediately, on receipt of the public complaint forward the public complaint to the board to be dealt with as the board considers appropriate. ss.44(1).

On the disposition of a matter by the board pursuant to subsection (1), the board, within 15 days after the disposition, shall give notice in writing to the complainant as to the disposition of the matter that is the subject of the complaint. ss.44(2).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(C) **PROCEDURE FOR**
DEALING WITH
COMPLAINTS

(I) **NOTIFICATION**

The Commissioner of the RCMP shall be notified of every complaint under subsection 45.35(1). ss.45.35(3).

Forthwith after being notified of a complaint under subsection 45.35(3), the Commissioner shall notify in writing the member or other person whose conduct is the subject-matter of the complaint of the substance of the complaint unless, in the Commissioner's opinion, to do so might adversely affect or hinder any investigation that is being or may be carried out in respect of the complaint. ss.45.35(4).

Every complaint under subsection 45.35(1) shall be acknowledged in writing, if the complaint is in writing or if the complainant requests that the complaint be so acknowledged. ss.45.35(2).

The Commission Chairman shall notify the Minister and the Commissioner of any complaint initiated by his own hand under subsection 45.37(1). ss.45.37(2).

Where a complaint is made to

(a) the disciplinary authority or he receives a complaint under paragraph (c), he shall forthwith send a copy of it to the complaint commissioner,

(b) the complaint commissioner, he shall forthwith send a copy of it to the disciplinary authority, or

(c) the constable in charge of a municipal police force, he shall forthwith send a copy to the disciplinary authority. s.54.

The person who receives the complaint shall record the complaint in the prescribed form and shall furnish the complainant with a prescribed statement that sets out the procedures that will be followed respecting the complaint and the rights of the complainant, together with a copy of the complaint form. s.53.

Where a complaint is made

(a) to the Commissioner, the Commissioner shall forthwith forward a copy of the complaint to the Chief of Police of the department involved in the complaint;

(b) to a member of the department involved in the complaint, the member shall forthwith forward a copy of the complaint to the Chief of Police of that department who shall forward a copy to the Commissioner;

(c) to the Chief of Police of the department involved in the complaint, the Chief of Police shall forthwith forward a copy of the complaint to the Commissioner;

together with any other statements or documents submitted by the complainant. ss.7(1), L.E.R.A.

Upon receiving a complaint, the Commissioner shall, as soon as it is practicable, provide the respondent with a copy of the complaint. ss.7(2), L.E.R.A.

Notwithstanding subsection 25(1), which provides that no member of a police force is subject to reduction in pay, to reduction in rank, to suspension or to dismissal for breach of the code of discipline or other cause except after proceedings taken under this Part, a chief of police may suspend with pay the affected member pending the results of an investigation under this section and in such case shall immediately notify the board, or the council where a board has not been established, of the suspension. ss.28(6).

Notwithstanding subsection 25(1), a board or a council may suspend a chief of police with pay pending the results of an investigation under this section and in such case shall immediately notify the Commission of the suspension. ss.29(3).

NEWFOUNDLAND

Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. R-17.

Where a complaint is received at a constabulary office, the chief or deputy chief shall notify the commissioner of that complaint. ss.24(2).

Where a complaint has been received under section 22, the police officer against whom the complaint is made shall within a reasonable time be given notice of the substance of the complaint unless, in the opinion of the chief, or the commissioner where the complaint relates to the chief, to do so would prejudice further investigation of the matter. s.23.

NOVA SCOTIA

Police Act, S.N.S. 1974, c.9, as amended.

The person to whom a complaint is made shall forward a copy of the complaint, ..., to the member of the municipal police force complained of, the Commission, unless the complaint was originally made to the Commission, and the complaints officer of the municipal police force, unless the complaint was originally made to the complaints officer... para. 6(3)(c), N.S. Reg. 101/88.

ONTARIO

Police Services Act, 1990, R.S.O. 1990, c. P.15.

The person who records the complaint shall forthwith send copies of it,

(a) to the bureau, the chief of police and the Commissioner, in the case of a complaint made at a station or detachment of the police force to which it relates;

(b) to the chief of police and the Commissioner, in the case of a complaint made at the bureau of the police force to which it relates;

(c) to the bureau and the chief of police of the police force to which it relates, in the case of a complaint made at an office of the Commissioner;

(d) to the Commissioner, in the case of a complaint made at a bureau, station or detachment of a different police force than the one to which it relates. ss.77(5).

If a complaint was made at a bureau, station or detachment of a different police force than the one to which it relates, the Commissioner shall forthwith send copies of the complaint and of any report prepared under subsection (4) to the appropriate bureau. ss.77(6).

PRINCE EDWARD ISLAND

Police Act, S.P.E.I. 1974, c. P-9, as amended.

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended. (*)

Forthwith after receiving a complaint, the commissioner shall notify in writing the police officer whose conduct is the subject-matter of the complaint and the director of the police force concerned, of the lodging of the complaint and of the time and place of the alleged conduct. s.57.

SASKATCHEWAN

The Police Act, 1990, S.S. 1990, c. P-15.01.

A person who receives a public complaint with respect to a police service or a member shall immediately:

(a) transmit the complaint to the chief; and

(b) provide copies of the complaint to the board, the investigator, the department and the member who is the subject of the complaint. ss.38(3).

A person who receives a public complaint with respect to a chief shall immediately:

(a) transmit the complaint to the board; and

(b) provide copies to the investigator, the department and the chief. ss.38(4).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

Where a complaint has been filed in the circumstances referred to in subsection 6(2) (third party complaint), the Commissioner, forthwith after receiving the complaint, shall in writing notify the person affected by the alleged disciplinary default that a complaint has been filed under this Act. ss.9(1), L.E.R.A.

Where the person affected by the alleged disciplinary default does not, within 14 days of receiving the notification referred to in subsection (1) or within such further time as the Commissioner may allow, file with the Commissioner a written consent to the processing of the complaint under this Act, the Commissioner shall take no further action on the complaint. ss.9(2), L.E.R.A.

Subsection (2) does not apply where the person affected by the alleged disciplinary default is an infant or is not competent to give consent. ss.9(3), L.E.R.A.

NEWFOUNDLAND

Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA

Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO

Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD

ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC

An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
1988, c. 75, as amended.
(*)

SASKATCHEWAN

The Police Act, 1990,
S.S. 1990, c. P-15.01.

When the bureau receives a complaint, the person in charge shall forthwith give the police officer notice of the substance of the complaint, unless in the person's opinion to do so might prejudice the investigation. ss.79(1).

The notice shall be written on a form provided by the Commissioner. ss.79(2).

If the complaint is made by a person who was not directly affected by the incident and did not observe it, the Commissioner shall, as soon as possible after receiving the complaint, attempt to find the person who was directly affected by the incident or who observed it and send him or her a notice. ss.80(1).

The notice shall indicate that a complaint has been made, that the person is entitled to be the complainant in the matter and that the complaint will not be dealt with further unless he or she is the complainant. ss.80(2).

The notice shall also include information about the procedures followed in dealing with a complaint and the rights of a complainant. ss.80(3).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

The complaint shall not be further dealt with under this Part if,

(a) no person who was directly affected by the incident or who observed it can be found; or

(b) the person to whom the Commissioner sends the notice does not, within thirty days of the date on which it is sent, file with the Commissioner a request to be the complainant in the matter. ss.80(4).

However, if a disciplinary proceeding is commenced against the police officer in respect of the complaint, the chief of police shall notify the Commissioner of the proceeding and of its result, and the Commissioner shall then notify the person who made complaint. ss.80(5).

If the person to whom the Commissioner sends the notice files a request to be the complainant in the matter after the thirty-day period referred to in subsection (4), the Commissioner may cause the matter to be reopened despite the late filing if he or she considers it advisable to do so. ss.80(6).

When all or part of a complaint has been classified as an inquiry, the person in charge shall forthwith notify the complainant and the police officer of the fact and may cause the inquiry to be investigated. ss.81(3).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Not more than sixty days after the bureau receives the original complaint, the person in charge shall send the complainant a written response to the inquiry and shall also send the Commissioner a copy of the response, together with a summary of the results of any investigation. ss.81(4).

A complaint or part of a complaint that is classified as an inquiry and not reclassified as a complaint and that is the subject of a response under this section need not be dealt with further under this Part. ss.81(5).

During the course of the investigation of an inquiry, if the person in charge concludes that all or part of it relates to possible misconduct, he or she may reclassify the inquiry or part as a complaint. ss.82(1).

After receiving a summary of the results of the investigation of an inquiry, the Commissioner may direct the person in charge to reclassify all or part of it as a complaint. ss.82(2).

The person in charge shall forthwith notify the complainant and the police officer of the reclassification, and shall also notify the Commissioner in the case of a reclassification under subsection (1). ss.82(3).

An inquiry or part of an inquiry that is reclassified as a complaint shall be dealt with as such under this Part. ss.82(4).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(II) INFORMAL DIS-
POSITION OF
COMPLAINT

The Commissioner shall consider whether a complaint under subsection 45.35(1) can be disposed of informally and, with the consent of the complainant and the member or other person whose conduct is the subject-matter of the complaint, may attempt to so dispose of the complaint. ss.45.36(1).

Where a complaint is disposed of informally, a record shall be made of the manner in which the complaint was disposed of, the complainant's agreement to the disposition shall be signified in writing by the complainant and the member or other person whose conduct is the subject-matter of the complaint shall be informed of the disposition. ss.45.36(3).

The disciplinary authority receiving a complaint may informally hear and attempt to resolve the complaint. ss.56(1).

Where a complaint is resolved informally, a record shall be made of the manner in which the complaint was resolved. ss.56(2).

The disciplinary authority shall notify the complainant, the constable complained against and the complaint commissioner of the results of the attempt at informal resolution, if any. ss.56(3).

Where the disciplinary authority receiving a complaint is unsuccessful in resolving the complaint informally, the complainant may, in writing, request that the complaint be investigated by the disciplinary authority, who shall notify the constable complained against and the complaint commissioner and forthwith comply with the request. ss.57(2).

Where the investigation has been completed, the Commissioner shall consult with the complainant, the respondent and the respondent's Chief of Police for the purpose of resolving the complaint informally. ss.15(1), L.E.R.A.

Where the complainant and the respondent concur, but the respondent's Chief of Police does not concur, with a proposal to resolve the complaint informally, the Commissioner may nevertheless resolve the complaint informally in accordance with the proposal. ss.15(2), L.E.R.A.

Where the complaint is resolved informally, no penalty shall be imposed against the respondent and no record of either the complaint or the informal resolution thereof shall be entered on the service record of the respondent. ss.15(3), L.E.R.A.

Admission of Disciplinary
Default

Where the respondent admits having committed a disciplinary default, the Commissioner shall recommend one or more of the penalties set out in section 30. ss.16(1), L.E.R.A. (see "Sanctions" infra.)

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Upon receiving a complaint, the chief officer, or the board, where the complaint concerns the chief officer, shall attempt to resolve the matter in an informal manner. ss.23(2), ss.24(2).

Where a complaint is resolved informally,

(a) the complaint shall not be proceeded with any further; and

(b) the complaint shall not appear in the service record of the member to whom it relates. subreg. 11(3), N.S. Reg. 101/88.

If the complainant and the police officer consent, the complaint may be resolved informally by the person in charge of the bureau, before the chief of police gives notice of a decision under section 90, or by the Commissioner after that time. ss.83(1).

If a board of inquiry has begun to hear evidence or argument in respect of the complaint, its consent is also required for an informal resolution. ss.83(2).

When a complaint is resolved informally, the resolution shall be recorded on a form provided by the Commissioner and signed by the complainant and police officer. ss.83(3).

Copies of the record shall be provided to the complainant and the police officer, and to the Commissioner if the complaint was resolved by the person in charge of the bureau. ss.83(4).

If the Commissioner is of the opinion that the informal resolution is the result of a misunderstanding or a threat or other improper pressure, he or she may decide that the complaint shall continue to be dealt with under this Part despite the informal resolution. ss.83(5).

Where the commissioner is of the opinion that the complaint can be settled and the complainant and the police officer agree to it, the commissioner shall take every reasonable step, with regard to all circumstances, to attempt to conciliate the parties. s.58.

Every settlement resulting from conciliation shall be recorded in writing, approved by the commissioner, and signed by the complainant and the police officer concerned, and the complaint shall be deemed to have been withdrawn. s.59.

In case of a settlement, no reference to the complaint or to the settlement shall be made in the personal record of the police officer concerned. s.60.

No answer or statement made, in the course of the conciliation, by the complainant or the police officer whose conduct is the subject-matter of the complaint shall be used or admissible as evidence in any criminal, civil or administrative proceedings other than a hearing before the Comité de déontologie policière into an allegation that with intent to mislead the police officer gave the answer or statement knowing it to be false. s.51.

The chief:

(a) shall consider whether a public complaint mentioned in subsection 45(1) can be resolved informally; and

(b) with the consent of the complainant and the member concerned, may attempt to resolve the public complaint informally. ss.46(1).

Where a public complaint mentioned in subsection 45(1) is resolved informally, the chief shall cause a record to be made of the manner in which the complaint was resolved. ss.46(2).

The chief shall cause a copy of a record made pursuant to subsection (2) to be furnished immediately to:

(a) the complainant;

(b) the member who is the subject of the public complaint; and

(c) the investigator, if the investigator was not directly involved in the informal resolution. ss.46(3).

A public complaint mentioned in subsection 45(1) may be resolved informally by the chief in accordance with this section at any time. ss.46(4).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK^{5/4}
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

Before recommending one or more of the penalties set out in section 30, the Commissioner shall consult with the respondent's Chief of Police and shall examine the service record of the respondent. ss.16(2), L.E.R.A..

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

The Commissioner shall give notice of the decision, with reasons, to the complainant, the police officer, the chief of police and the person in charge of the bureau. ss.83(6).

Withdrawal of Complaint

The complainant may withdraw the complaint by giving a notice of withdrawal to the person in charge of the bureau, before the chief of police gives notice of a decision under section 90, or to the Commissioner after that time. ss.84(1).

If the complaint was made under section 78, the Commissioner may withdraw it by giving a notice of withdrawal to the chief of police and a copy to the police officer; subsection (3) applies to the withdrawal but subsections (4) to (7) do not. ss.84(2).

If a board of inquiry has begun to hear evidence or argument in respect of the complaint, it shall not be withdrawn without the board's consent. ss.84(3).

A copy of the notice of withdrawal shall be provided to the police officer, and to the Commissioner if the person in charge of the bureau received the notice. ss.84(4).

Failing a settlement, the commissioner may decide to hold an investigation. s.62.

A public complaint mentioned in subsection 45(1) may be resolved informally by the investigator, and subsections (1) to (4) apply, with any necessary modification, to an informal resolution by the investigator. ss.46(5).

The board:

(a) shall consider whether a public complaint mentioned in subsection 49(2) can be resolved informally; and

(b) with the consent of the complainant and the chief concerned, may attempt to resolve the public complaint informally. ss.50(1).

Where a public complaint mentioned in subsection 49(2) is resolved informally, the board shall cause a record to be made of the manner in which the complaint was resolved. ss.50(2).

The board shall cause a copy of a record made pursuant to subsection (2) to be furnished immediately to:

(a) the complainant;

(b) the chief concerned; and

(c) the investigator, if the investigator was not directly involved in the informal resolution. ss.50(3).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

The notice of withdrawal shall be written on a form provided by the Commissioner. ss.84(5).

If the Commissioner is of the opinion that the withdrawal is the result of a misunderstanding or a threat or other improper pressure, he or she may decide that the complaint shall continue to be dealt with under this Part despite the withdrawal. ss.84(6).

The Commissioner shall give notice of the decision, with reasons, to the complainant, the police officer, the chief of police and the person in charge of the bureau. ss.84(7).

The chief of police may commence or continue a disciplinary proceeding against a police officer under Part V even if,

(a) the complaint is withdrawn or is resolved informally; or

(b) the complaint is not to be further dealt with under this Part because of subsection 77(7) (complaint filed more than six months after incident) or section 80 (complaint made by person not directly affected), or because of a decision by the chief of police under section 85. ss.86(1).

A public complaint mentioned in subsection 49(2) may be resolved informally by the board in accordance with this section at any time. ss.50(4).

A public complaint mentioned in subsection 49(2) may be resolved informally by the investigator, and subsections (1) to (4) apply, with any necessary modification, to an informal resolution by the investigator. ss.50(5).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

The chief of police shall give the Commissioner and the complainant notice of a decision to commence or continue a disciplinary proceeding in the circumstances described in subsection (1), and shall also give them notice of the results of the proceeding. ss.86(2).

The chief of police may authorize any police officer of the rank of inspector or higher (from another police force if there is none in the chief's own police force) to exercise any power or perform any duty of the chief of police referred to in this Part. ss.107(1).

(III) INVESTIGATION**FEDERAL**
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

Where a complaint is not disposed of informally, the complaint shall be investigated by the Force in accordance with rules made pursuant to section 45.38. ss.45.36(4).

Notwithstanding any other provision of this Part, the Commissioner may direct that no investigation of a complaint under subsection 45.35(1) be commenced or that an investigation of such a complaint be terminated if, in the Commissioner's opinion,

(a) the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided under any other Act of Parliament;

(b) the complaint is trivial, frivolous, vexatious or made in bad faith; or

(c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable. ss.45.36(5).

Where the Commissioner makes a direction in respect of a complaint pursuant to subsection (5), the Commissioner shall give notice in writing to the complainant and, if the member or other person whose conduct is the subject-matter of the complaint has been notified under subsection 45.35(4),

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

Where a complaint is a complaint as to the actions of a police officer other than the chief of police, the chief of police shall cause the complaint to be investigated. ss.45(1).

If after causing the complaint to be investigated, the chief of police is of the opinion that the actions of a police officer may constitute

(a) an offence under an Act of the Parliament of Canada or the Legislature of Alberta, he shall refer the matter to the Attorney General, or

(b) a contravention of the regulations governing the discipline or the performance of duty of police officers, he shall cause the matter to be proceeded with under subsection (3). ss.45(2).

Where the chief of police is of the opinion that the actions of a police officer constitute a contravention of the regulations governing the discipline or the performance of duty of police officers, he, or a police officer designated by him, shall conduct a hearing into the matter as it relates to that contravention. ss.45(3).

Notwithstanding subsection (3), if the chief of police is of the opinion that the contravention of the regulations governing the discipline or the performance of duty of police

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

Where the disciplinary authority does not attempt to resolve the complaint informally, he shall forthwith conduct an investigation into the complaint. ss.57(1).

The disciplinary authority may refuse to investigate or further investigate a complaint against a constable where the disciplinary authority is satisfied that

(a) the complaint is frivolous, vexatious, not made in good faith or concerns a trivial matter,

(b) the conduct complained of primarily affects a person other than the complainant and the complainant does not have sufficient personal interest in the subject matter of the complaint, or

(c) the complainant knew or ought to have known, more than 6 months before making the complaint, of the act or omission to which his complaint refers. ss.58(1).

After promptly notifying the parties in writing of such decision, giving reasons and the recourse available to the complainant, the complainant may, within 10 days of receiving such notification, by written request delivered to the disciplinary authority, require a review of the disciplinary authority's decision. ss.58(2).

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

Upon receiving a complaint, the Commissioner shall forthwith cause the complaint to be investigated and for this purpose, the Commissioner has all the powers of Commissioners under Part V of The Manitoba Evidence Act. ss.12(1), L.E.R.A.

Notwithstanding subsection (1), if the Commissioner is satisfied that immediate investigation of a complaint would unreasonably interfere with an ongoing criminal investigation, the Commissioner may delay the investigation of the complaint for such period as the Commissioner considers reasonable in the circumstances. ss.12(1.1), L.E.R.A.

The minister may authorize the Commissioner at the expense of the government to retain the services of counsel and other experts as the Commissioner deems fit. s.5, L.E.R.A.

Where material relevant to the investigation is withheld by the Chief of Police on the ground that the material is privileged, the Commissioner may make summary application to a judge of the Court of Queen's Bench for a ruling on the question of privilege. ss.12(4), L.E.R.A.

The Commissioner may obtain a warrant of search and seizure to aid in the investigation. ss.12(5), L.E.R.A.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

The Commission shall refer a complaint relating to the conduct of a member of a police force to the chief of police unless the chief of police is the subject of the complaint. ss.26(2).

Where the chief of police is the subject of the complaint, the Commission may refer the matter to the board or to the council where a board has not been established. ss.26(3).

Notwithstanding subsection (2), where the Commission is of the opinion that it is in the public interest that it oversee the disposition of a complaint, the Commission may

(a) appoint an investigator to conduct an investigation into the complaint, or

(b) conduct a hearing into the complaint,

or both. ss.26(5); ss.26(6) - where the chief of police is the subject of a complaint.

Where a complaint is made to a board or council under subsection (1), the board or council shall, except where the complaint is made against the chief of police, refer the matter to the chief of police. ss.27(2).

A chief of police may investigate on his own motion, and shall investigate on the basis of a referral made by the Commission or on the basis of a complaint made under

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

Where, under section 22, a complaint is filed with the commissioner or is received at a constabulary office, that complaint shall be referred to the chief, or where the chief is not available, the deputy chief. ss.24(1).

Upon receipt of a complaint under subsection (1), the chief, or the deputy chief shall investigate the complaint and that investigation shall be completed as soon as is practicable but no later than 3 months from the date the complaint is filed or received. ss.24(3).

The chief or the deputy chief may appoint a police officer to investigate complaints referred to him or her under subsection (1). ss.24(4).

A police officer, an employee of the constabulary, an investigator, the commissioner, adjudicators and all persons acting under this Act shall preserve secrecy in respect of all information obtained in the course of their duties and shall not communicate that information to another person except

(a) as required in connection with the administration of this Act. para. 60(1)(a).

Following an investigation under section 24, the chief or the deputy chief shall consider the complaint and he or she may

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

The chief officer may delegate his authority to a member of the municipal police force or he may ask a member of another police force to investigate the complaint and report his findings. ss.23(3).

The board may cause an investigation to be made of the complaint against a chief officer. ss.24(3).

An investigation shall be completed within sixty days from the occurrence of the alleged disciplinary default unless the time is extended by the Review Board, however, the Review Board may not extend the time to complete the investigation beyond six months from the occurrence of the alleged disciplinary default. subreg. 12(4), N.S. Reg. 101/88.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

The person in charge of the bureau shall cause an investigation to be conducted into the complaint in accordance with the prescribed procedures. ss.87(1).

At any time before making a decision under section 90, the chief of police may decide that the complaint or part of it shall not be further dealt with under this Part, if he or she is of the opinion that the complaint or part is frivolous or vexatious or was made in bad faith. ss.85(1).

The chief of police shall give the Commissioner, the complainant and the police officer notice of the decision. ss.85(2).

The Commissioner may conduct the investigation into the complaint, instead of the bureau,

(a) for any reason, after receiving the first interim report or after the thirty-day period referred to in subsection 87(3) has expired;

(b) if the complainant has commenced a court proceeding against the police officer, the police force or the chief of police, the police services board or the municipality (in the case of a municipal police force) or the Crown in right of Ontario (in the case of the Ontario Provincial Police) in connection with the incident to which the complaint relates;

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

The commissioner shall hold an investigation in respect of the conduct of a police officer in the performance of his duties constituting a transgression of the Code of ethics, where the Minister requests that he do so. ... s.63.

The purpose of an investigation is to allow the commissioner to establish whether a citation before the Comité de déontologie policière is warranted. s.64.

The commissioner may refuse to hold an investigation or may terminate an investigation if, in his opinion,

(1) the complaint is frivolous, vexatious or made in bad faith;

(2) the complainant refuses to cooperate in the investigation;

(3) having regard to all circumstances, investigation or further investigation is not necessary. s.65.

Where the commissioner makes a decision pursuant to section 65, he shall notify the complainant and the police officer whose conduct is the subject-matter of the complaint, and state the reasons for his decision. He shall also inform the complainant of his right to submit the decision to review by the Comité de déontologie policière. s.66.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Where a public complaint is a complaint concerning the actions of a member, the chief, in consultation with the investigator, shall cause an investigation into the complaint to be conducted immediately on receipt of the complaint. ss.45(1).

Notwithstanding subsection (1) or any other provision of this Part, where the chief and the investigator are of the opinion that a public complaint is trivial, frivolous, vexatious, unfounded or made in bad faith, the chief may direct that:

(a) no investigation be undertaken; or

(b) an investigation of that complaint be terminated. ss.45(2).

Where, in the opinion of the investigator, it is advisable to do so, the investigator may:

(a) conduct an investigation pursuant to subsection (1);

(b) assume responsibility and control of an existing investigation pursuant to subsection (1); or

(c) make a report with respect to an investigation pursuant to subsection (1). ss.45(3).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

to that member or other person of the direction and the reasons therefore and the right of the complainant to refer the complaint to the Commission for review if the complainant is not satisfied with the direction. ss.45.36(6).

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

officers is not of a serious nature, he may, subject to the regulations, dispose of the matter without conducting a hearing. ss.45(4).

Where the chairman of a commission receives a complaint as to the actions of the chief of police, the chairman shall refer the complaint to the commission. ss.46(1).

If, after reviewing the complaint, the commission is of the opinion that the actions of the chief of police may constitute

(a) an offence under an Act of the Parliament of Canada or the Legislature of Alberta, or

(b) a contravention of the regulations governing the discipline or the performance of duty of police officers,

the chairman of the commission shall request the Solicitor General to direct another police service to investigate the complaint. ss.46(2).

If the chief of police or the police officer in charge of the police service directed under subsection (2) to carry out the investigation is of the opinion that the actions of the chief of police that are the subject of the investigation constitute

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

Special Investigations

Notwithstanding this Act,

(a) the minister, or

(b) the commission, either on its own initiative or on receiving a request from the complaints commissioner or a board, may at any time order an investigation to be made respecting an act or omission of any person appointed under this Act. ss.46(1).

An investigation under subsection (1) shall be made by the persons and in the manner the minister or the commission specifies in the order. ss.46(2).

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

Subject to subsection 12(7), the Commissioner may utilize any resources and employ any persons the Commissioner deems necessary for the prompt and thorough investigation of a complaint. ss.12(6), L.E.R.A.

The Commissioner shall not employ for the purposes of investigation any person who is, or at the time of the occurrence complained of was, a member of the police department involved in the complaint, except at the written request of the complainant to refer the complaint to the respondent's Chief of Police, or where the internal investigation unit of the police department is involved for the possible laying of criminal charges against the respondent. ss.12(7)(8)(9), L.E.R.A.

When the internal investigation referred to in subsection (8) or (9) has been completed, the Chief of Police shall report the results of the investigation to the Commissioner, and the Commissioner shall thereafter deal with the complaint as provided in this Act. SS.12(10), L.E.R.A.

Where the Commissioner identifies any organizational or administrative practices of a police department which may have caused or contributed to an alleged disciplinary default, the Commissioner

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

subsection 27(1) into the conduct of a member of the police force. ss.28(1).

Notwithstanding subsection 28(1), a chief of police may request the Commission to appoint an investigator to conduct the investigation. ss.28(2).

A chief of police may,

(a) authorize a police officer to carry out on his behalf an investigation under this section, and

(b) authorize a police officer to hold a hearing arising from that investigation and to impose any sanction that the chief of police may impose,

but shall not authorize the same police officer to perform the functions of both paragraph (a) and paragraph (b) in relation to a single matter. ss.28(3).

Where a chief of police fails to investigate a complaint made under subsection 27(1) or referred to him by the Commission, the Commission may perform the functions and has the powers and duties of a chief of police under this section. ss.28(10)

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

(a) with the agreement of all parties, settle the matter;

(b) dismiss the complaint; or

(c) discipline the police officer who is the subject of the complaint. ss.25(1).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

(c) if the Commissioner has reasonable grounds to believe that undue delay or other unusual circumstances have affected the bureau's investigation or the preparation of its final report; or

(d) if the chief of police requests that the Commissioner conduct the investigation. ss.88(1).

The chief of police, if he or she becomes aware that the complainant has commenced a court proceeding of the kind described in clause (1)(b), shall forthwith notify the Commissioner of the fact. ss.88(2).

If the complaint concerns more than one police force, the Commissioner shall conduct the investigation. ss.88(3).

When the Commissioner decides to conduct the investigation, he or she shall forthwith notify the chief of police, giving reasons in the case of a decision under clause (1)(a) or (c). ss.88(4).

When the Commissioner notifies the chief of police of a decision to conduct the investigation, the person in charge of the bureau shall forthwith end any investigation begun by the bureau and send to the Commissioner the evidence that has been gathered and the documents relating to the complaint. ss.88(5).

PRINCE EDWARD ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

The commissioner, taking all circumstances into account, including the nature and gravity of the facts alleged in the complaint, may conduct the investigation or entrust it to the police force to which the police officer whose conduct is the subject-matter of the complaint belongs or to any other police force. s.67, para. 1.

The commissioner shall forthwith notify the complainant, the police officer whose conduct is the subject-matter of the complaint and the director of the police force to which he belongs. s.67, para. 2.

For the purposes of Title II (Police Ethics), the following person or body is regarded as the director of the police force of the person whose conduct is the subject-matter of a complaint:

(1) the Minister, if the person concerned is the Director General of the Sûreté du Québec;

(2) the executive committee of the Communauté urbaine de Montréal, if the person concerned is the director of the Police Department of the community;

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Where the investigator has proceeded pursuant to subsection (3), the investigator shall provide the chief with a written report and, where the investigator considers it advisable, may make that report available to the chairperson of the commission or a commissioner designated by the chairperson for this purpose. ss.45(4).

The chairperson or the chairperson's designate, on receipt and consideration of a report of the investigator pursuant to subsection (4), may direct the chief to proceed pursuant to subsection 48(1). ss.45(5).

Where a public complaint is dealt with pursuant to subsection (2), the chief shall so advise the complainant and the member within 15 days after the direction of the chief. ss.45(6).

Notwithstanding any other provision of this Part, where, after an investigation of a public complaint mentioned in subsection 45(1), a chief or the investigator is of the opinion that the actions of a member may constitute an offence pursuant to an Act or an Act of the Parliament of Canada, the chief or investigator shall refer the matter to the minister or to the Attorney General for Canada, as the case may be. s.47.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
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ALBERTA
Police Act, S.A. 1988, c.
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(a) an offence under an Act of the Parliament of Canada or the Legislature of Alberta, he shall

(i) refer the matter to the Attorney General, and

(ii) advise the commission of his findings, unless the Attorney General otherwise directs,

or

(b) a contravention of the regulations governing the discipline or the performance of duty of police officers, he shall refer the matter to the commission. ss.46(3).

Where a matter is referred to the commission under subsection (3)(b), the commission shall conduct a hearing into the matter as it relates to the contravention of the regulations governing the discipline or the performance of duty of police officers. ss.46(4).

Notwithstanding subsection (4), if the commission is of the opinion that the contravention of the regulations governing the discipline or the performance of duty of police officers is not of a serious nature, it may, subject to the regulations, dispose of the matter without conducting a hearing. ss.46(5).

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

may recommend appropriate changes to the Chief of Police and to the municipal authority which governs the department. s.22, L.E.R.A.

Frivolous Complaints

Where the Commissioner is satisfied

(a) that the subject matter of a complaint is frivolous or vexatious or does not fall within the scope of section 29 (disciplinary default);

(b) that a complaint has been abandoned; or

(c) that there is insufficient evidence supporting the complaint to justify a public hearing;

the Commissioner shall decline to take further action on the complaint and shall in writing inform the complainant, the respondent, and the respondent's Chief of Police of his reasons or her reasons for declining to take further action. ss.13(1), L.E.R.A.

A complainant may be informed of a decision not to take further action under subsection (1) by the Commissioner's sending a notice, by registered mail, to the complainant at the complainant's last address contained in the Commissioner's records. ss.13(1.1), L.E.R.A.

Where the Commissioner has declined to take further

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

Subject to subsection (7) (investigation into an alleged offence), a board, or a council where a board has not been established, may investigate on its own motion, and shall investigate on the basis of a referral made by the Commission (subsection 26(3)) or on the basis of a complaint made under subsection 27(1), into the conduct of a chief of police. ss.29(1).

Where a board, or a council where a board has not been established, conducts an investigation under subsection (1), it shall appoint an investigator approved by the Commission to carry out on its behalf the investigation. ss.29(2).

Where an investigation under subsection 29(1) (by a board or council into the conduct of a chief of police) will be or becomes an investigation into an alleged offence, the board or council shall notify the Minister, who shall assign the conduct of the investigation to a member of the Royal Canadian Mounted Police or of a police force other than that of the chief of police to whom the investigation relates, and in such case

(a) subsection (3) applies as though the investigation were being conducted by a board or a council;

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

If the complaint was made under section 78, the Commissioner shall conduct the investigation in accordance with the prescribed procedures, and section 87 does not apply. ss.89(1).

For the purposes of an investigation under section 88 or 89 or a review under section 91, the Commissioner may, if he or she has reasonable grounds to believe that it is necessary to do so in furtherance of the investigation or review, enter a police station after informing the chief of police and examine there documents and things related to the complaint. ss.100(1).

For the purposes of an investigation or review, the Commissioner has the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the investigation or review as if it were an inquiry under that Act. ss.100(2).

The Commissioner may, in writing, appoint a person to make any investigation or review the Commissioner is authorized to make and the person has all the powers and duties of the Commissioner relating to the investigation and the review. ss.100(3).

The person shall report the results of the investigation or review to the Commissioner. ss.100(5).

(3) notwithstanding any contrary provision of any general law or special Act, the council of the municipality, if the person concerned is the director of the police force of that municipality;

(4) the employer, if the person concerned is a special constable. s.269.

The Commissioner and any person acting as an investigator for the purposes of this division, may, after giving prior notice to the director of the police force concerned, enter any police station or premises and examine any books, reports, documents or other effects relating to the complaint under investigation. s.71.

Notwithstanding any other provision of this Part, where, after an investigation of a public complaint mentioned in subsection 49(2), a board or the investigator is of the opinion that the actions of a chief may constitute an offence pursuant to an Act or an Act of the Parliament of Canada, the board or the investigator shall refer the matter to the minister or to the Attorney General for Canada, as the case may be. s.51.

The board is responsible for disciplining the chief. ss.49(1).

On receipt of a public complaint concerning the actions of a chief, the board shall cause an investigation into the complaint to be conducted immediately on receipt of the complaint. ss.49(2).

At the request of the board, an investigation pursuant to subsection (2) may be conducted by:

- (a) the investigator; or
- (b) subject to the approval of the minister, another chief or police service. ss.49(3).

The person conducting an investigation pursuant to subsection (2), on completion of the investigation, shall make a report to the board. ss.49(4).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

The commission may appoint a lawyer to present to the commission the matter that is the subject of the complaint. ss.46(6).

Notwithstanding that the actions of a police officer have been referred to the Attorney General under section 45(2)(a) or 46(3)(a), if the person who referred the matter to the Attorney General is of the opinion that those actions also constitute a contravention of the regulations governing the discipline or the performance of duty of police officers, the matter as it relates to that contravention shall be proceeded with under section 45(3) or 46(4), as the case may be, unless the Attorney General otherwise directs. ss.47(2).

action on a complaint under subsection (1), the complainant may, within 30 days after the sending of the notice to the complainant under subsection (1.1), apply to the Commissioner to have the decision reviewed by a provincial judge. ss.13(2), L.E.R.A.

On receiving an application under subsection (2), the Commissioner shall refer the complaint to a provincial judge who, after hearing any submissions from the parties in support of or in opposition to the application, and if satisfied that the Commissioner erred in declining to take further action on the complaint, shall order the Commissioner

(a) to refer the complaint for a hearing; or

(b) to take such other action under this Act respecting the complaint as the provincial judge directs. ss.13(3), L.E.R.A.

Where an application is brought under subsection (2), the burden of proof is on the complainant to show that the Commissioner erred in declining to take further action on the complaint. ss.13(4), L.E.R.A.

Notwithstanding that all or part of a hearing under this section is public, the

(b) the person authorized by the Minister to investigate shall submit to the board or council a report of his investigation, and the board or council may, after a hearing, impose a sanction in accordance with subsection 26(9) or (10); and

(c) the board or council shall report to the Commission and notify the complainant in accordance with subsection (6), as though the investigation had been carried out by the board or council. ss.29(7).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

No person shall obstruct the Commissioner or a person appointed under subsection (3) or withhold from the Commissioner or person or conceal or destroy any documents or things related to the investigation or review. ss.100(6).

If a justice of the peace is satisfied, on an application made without notice by the Commissioner or a person appointed under subsection (3), that there are reasonable grounds to believe that there are in any place documents or things relating to an investigation or review, the justice of the peace may make an order authorizing the applicant, together with such persons as he or she calls on for assistance, to enter the place, by force if necessary, search for the documents or things and examine them. ss.100(7).

The entry and search shall not be made between the hours of 9 p.m. and 6 a.m. unless the order so authorizes. ss.100(8).

The Commissioner may, upon giving a receipt, remove any documents or things examined under subsection (1) or (7) relating to the investigation or review, shall cause them to be copied with reasonable dispatch and shall then return them promptly to the person from whom they were removed. ss.100(9).

Where, in the opinion of the investigator, it is advisable to do so, the investigator may:

- (a) conduct an investigation;
- (b) assume responsibility and control of an existing investigation; or
- (c) make a report with respect to an investigation; pursuant to subsection (2). ss.49(5).

Where the investigator has proceeded pursuant to subsection 49(5), the investigator:

- (a) shall provide the board with a report; and
- (b) where the investigator considers it advisable, may make that report available to the chairperson of the commission or a commissioner designated by the chairperson for this purpose. ss.49(6).

The chairperson of the commission or the chairperson's designate, on receipt and consideration of a report of the investigator made pursuant to subsection (5), may direct the board to proceed pursuant to subsection 52(1). ss.49(7).

Notwithstanding subsection (2) or any other provision of this Part, where the board and the investigator are of the opinion that a public complaint is trivial,

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

provincial judge hearing the matter shall, unless satisfied that such an order would be ineffectual,

(a) order that no person shall cause the respondent's name to be published in a newspaper or other periodical publication, or broadcast on radio or television, until the judge has determined the merits of the application;

(b) if the application is dismissed, order that the ban on publication of the respondent's name continue; and

(c) if the application is successful, order that the ban on publication of the respondent's name continue until the complaint has been disposed of in accordance with The Law Enforcement Review Act, par. 13(4.1), L.E.R.A..

The decision of the provincial judge on an application under subsection (2) is final and shall not be subject to appeal or review of any kind. ss.13(5), L.E.R.A..

Where under subsection 9(2) or section 13 the Commissioner takes no further action on a complaint, but the investigation has revealed evidence of matters which may be subject to internal police discipline, the Commissioner may forward all relevant material to the

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
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PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

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An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
1988, c. 75, as amended.
(*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

A copy made as provided in subsection (9) and certified to be a true copy by the Commissioner is admissible in evidence in any proceeding and is proof, in the absence of evidence to the contrary, of the original document and its contents. ss.100(10).

The Commissioner may appoint an expert to examine documents or things examined under subsection (1) or (7). ss.100(11).

The Commissioner's decisions under subsection 83(5) (complaint to continue to be dealt with despite informal resolution), subsection 84(6) (complaint to continue to be dealt with despite withdrawal) and clause 88(1(c)) (decision to conduct investigation because of undue delay) shall be deemed to be made in the exercise of a statutory power of decision. s.102.

frivolous, vexatious, unfounded, or made in bad faith, the board may direct that:

- (a) no investigation be undertaken; or
- (b) an investigation of that complaint be terminated. ss.49(8).

Where a public complaint is dealt with pursuant to subsection (8), the board shall so advise the complainant and the chief within 15 days after the direction of the board. ss.49(9).

Where a complaint or charge against a member or chief pursuant to this Part is expanded or altered as a result of an investigation, the chief or board conducting the investigation shall provide that member or chief with written notice of that expansion or alteration. s.42.

A chief may suspend a member from duty in accordance with the regulations where, in the opinion of the chief:

- (a) there are reasonable grounds to believe that the member has contravened a provision of:
 - (i) this Act, the regulations or a directive of the chief made pursuant to section 35; or

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
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NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

appropriate disciplinary
authority in the police
department for the pos-
sible commencement of
internal disciplinary pro-
cedures. s.14, L.E.R.A.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

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(ii) any other Act or an Act of the Parliament of Canada; or

(b) suspension of the member is necessary to maintain:

(i) public confidence in the police service; or

(ii) the security of police operations. ss.53(1).

A board may suspend a chief from duty in accordance with the regulations where, in the opinion of the board:

(a) there are reasonable grounds to believe that the chief has contravened a provision of:

(i) this Act, the regulations or a board directive made pursuant to section 31; or

(ii) any other Act or an Act of the Parliament of Canada; or

(b) suspension of the chief is necessary to maintain:

(i) public confidence in the police service; or

(ii) the security of police operations. ss.53(2).

A suspension pursuant to subsection (1) may be continued after 30 days from the day of the decision of the chief to suspend only:

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

(a) if the decision is reviewed by the board within 30 days after the day of the decision; and

(b) within the period allowed by subsection (5). ss.53(3).

In reviewing the decision of a chief pursuant to clause (3)(a), the board shall decide whether the suspension is to:

(a) continue in effect; or

(b) be rescinded;

subject to any conditions that the board may impose. ss.53(4).

A suspension pursuant to this section may occur only pending a disposition pursuant to this Part. ss.53(5).

A member or chief suspended pursuant to this section may appeal to the commission for a review:

(a) of his or her suspension; or

(b) of any terms or conditions of the suspension set pursuant to the regulations. ss.53(6).

The chairperson of the commission or the chairperson's delegate may hear an appeal pursuant to subsection (6) to review a suspension. ss.53(7).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

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Police Act, S.B.C. 1988,
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MANITOBA
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NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

On a review of a suspension pursuant to subsection (6), the chairperson or his or her delegate may:

- (a) dismiss the appeal;
- (b) allow the appeal; or
- (c) vary the terms or conditions of the suspension. ss.53(8).

Where a member or chief:

(a) has been suspended pursuant to this section; and

(b) subsequently:

(i) is not disciplined pursuant to clause 48(1)(a), 52(1)(a), 54(4)(a) or 55(4)(a);

(ii) is not the subject of an order made pursuant to subsection 60(1);

(iii) has not been dismissed pursuant to section 68; and

(iv) is acquitted on all charges brought against him or her pursuant to this Act, the regulations, any other Act or any Act of the Parliament of Canada;

that member or chief shall receive all of the pay, remuneration, pension benefits and seniority to which he or she would have been entitled during the period of suspension. ss.53(9).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(IV) REPORTING

(1) INTERIM

The (R.C.M.P.) Commissioner shall notify in writing the complainant and the member or other person whose conduct is the subject-matter of the complaint of the status of the investigation of the complaint to date not later than forty-five days after being notified of the complaint and monthly thereafter during the course of the investigation unless, in the Commissioner's opinion, to do so might adversely affect or hinder any investigation that is being or may be carried out in respect of the complaint. s.45.39.

In the case of a complaint against a constable, the disciplinary authority shall notify, in writing, the complainant, the constable complained against and the complaint commissioner of the status of the complaint not later than 45 days after the date the complaint is recorded by the person who received it and every 30 days thereafter during the course of the investigation unless, in the disciplinary authority's opinion, to do so might adversely affect or hinder any investigation in respect of the complaint, in which case he shall, on request, notify the complaint commissioner of the reasons for his decision. s.55.

Within twenty days of receiving a complaint that has been referred to him by the Commission, the chief of police shall submit a written report to the Commission containing details of any action taken in relation to the matter. ss.28(5).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

The chief officer shall report all complaints to the board at the time and in the manner determined by the board. ss.25(1).

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

During the course of the investigation, the person in charge shall send the Commissioner, the complainant and the police officer interim reports on the investigation at monthly intervals. ss.87(2).

The first interim report shall be sent not more than thirty days after the bureau receives the complaint. ss.87(3).

If there are no new matters to report, the person in charge may send the Commissioner, the complainant and the police officer a notice to that effect instead of an interim report. ss.87(4).

The person in charge may withhold an interim report from the complainant or the police officer if, in his or her opinion, it is desirable to do so in order to avoid prejudicing the investigation, but in that case shall forthwith notify the Commissioner of the decision and the reasons for it. ss.87(5).

The interim reports and final report shall be written on forms provided by the Commissioner. ss.87(10).

Section 87 applies to the Commissioner's investigation, with necessary modifications, except that the Commissioner shall send the first interim report not

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

Not later than 45 days after the notification provided for in the second paragraph of section 67 and monthly thereafter, the director (of the police force to which the commissioner has decided to entrust an investigation) shall report to the commissioner on the status of the investigation. s.69, para. 2.

Not later than 60 days after deciding to hold an investigation and monthly thereafter during the course of the investigation, the commissioner shall notify in writing the complainant, the police officer whose conduct is the subject-matter of the complaint, and the director of the police force to which he belongs, of the status of the investigation, unless, in the commissioner's opinion, to do so might adversely affect the investigation. s.72.

Where the investigation has been entrusted to a police force, the commissioner may, upon receiving the investigation report, order the director of the police force to investigate further within the time and in the manner determined by the commissioner. The commissioner himself may also investigate further. s.73.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

In the case of a public complaint as to the conduct of a member, the chief shall give notice in writing to the complainant and the member complained against of the status of the complaint:

(a) not later than 45 days after the day on which the report is recorded by the person who received it; and

(b) every 30 days after the expiry of the period mentioned in clause (a) during the course of an investigation. ss.41(1).

In the case of a public complaint as to the conduct of a chief, the board shall give notice in writing to the complainant and the chief of the status of the complaint:

(a) not later than 45 days after the day on which the report is recorded by the person who received it; and

(b) every 30 days after the expiry of the period mentioned in clause (a) during the course of the investigation. ss.41(2).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

more than thirty days after giving notice of the decision to conduct the investigation. ss.88(6).

If the complaint was made under section 78, the Commissioner shall conduct the investigation in accordance with the prescribed procedures, and section 87 does not apply. ss.89(1).

The Commissioner shall send the police officer and the chief of police interim reports on the investigation at monthly intervals. ss.89(2).

The first interim report shall be sent not more than thirty days after the Commissioner makes the complaint. ss.89(3).

If there are no new matters to report, the Commissioner may send the police officer and the chief of police a notice to that effect instead of an interim report. ss.89(4).

The Commissioner may withhold an interim report from the police officer if, in his or her opinion, it is desirable to do so to avoid prejudicing the investigation, but in that case shall forthwith notify the chief of police of the decision and the reasons for it. ss.89(5).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(2) FINAL

On completion of the investigation of a complaint, the Commissioner shall send to the complainant and the member or other person whose conduct is the subject-matter of the complaint a report setting out

- (a) a summary of the complaint;
- (b) the results of the investigation;
- (c) a summary of any action that has been or will be taken with respect to resolution of the complaint; and
- (d) in the case of a complaint under subsection 45.35(1), the right of the complainant to refer the complaint to the Commission for review if the complainant is not satisfied with the disposition of the complaint by the Force. s.45.4.

Where a disciplinary authority has investigated a complaint, he shall, not more than 7 days after the investigation is completed, send a notice to the complainant, the complaint commissioner and the constable against whom the complaint is made, setting out

- (a) a summary of the investigation and the results of the investigation,
- (b) any disciplinary action intended to be taken by the disciplinary authority, and
- (c) the right of the complainant or constable against whom the written complaint is made to request an inquiry. s.59.

A chief of police, a board or a council or the Minister, upon a request by the Commission and within twenty days following such request, shall forward to the Commission the full details of any investigation into a complaint under this Act, including

- (a) the name of the complainant,
- (b) the name of the officer against whom the complaint was made,
- (c) the nature of the complaint,
- (d) a true copy of the investigation report,
- (e) a true copy of all statements taken during the course of the investigation, and
- (f) the disposition of the complaint, including any internal disciplinary action taken. ss.26(7).

The Commission shall advise the person initiating the complaint of the disposition of the subject matter of the complaint. ss.26(12).

A chief of police shall report to the board, or to the council where a board has not been established, stating the results of the investigation and the disposition of the matter, or, if the investigation has not been conducted, the reasons therefor and shall forward a copy of the report to the

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

The complainant and the police officer who is the subject of a complaint shall be informed, in writing, of the dismissal of the complaint or of the discipline imposed and the reasons for that dismissal or discipline. ss.25(2).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

Where an investigation is completed, the investigator shall make a final investigation report ... and shall forward a copy of the report to the authority, the complainant, the member to whom the complaint relates and the Commission. subreg. 12(3), N.S. Reg. 101/88.

Unless the authority has, prior to receipt of the final report, caused a criminal charge relating to the complaint to be laid against the member and has referred the complaint to the Attorney General, the authority shall, within fourteen days after receiving the final investigation report,

- (a) order further investigation;
- (b) cause a criminal charge respecting the complaint to be laid against the member and refer the matter to the Attorney General;
- (c) refer the complaint to the Review Board;
- (d) cause disciplinary proceedings to be taken against the member pursuant to the Act and these regulations as if the member had been alleged to have committed a disciplinary default ... ;
- (e) counsel or caution the member regarding his conduct; or

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

When the investigation has been completed, the person in charge shall cause a final report to be prepared and shall send copies of it to the Commissioner, the chief of police, the complainant and the police officer. ss.87(6).

When the investigation (under section 78) has been completed, the Commissioner shall cause a final report to be prepared and shall send copies of it to the chief of police and the police officer. ss.89(6).

The final report shall contain,

- (a) a summary of the complaint, including a description of the police officer's alleged misconduct;
- (b) a summary of the investigation, including summaries of the information obtained from the complainant, the police officer and any witnesses; and
- (c) a description and analysis of any physical evidence obtained. ss.87(7); ss.89(7) - similar provision re final report where Commissioner investigates a complaint made under section 78.

PRINCE EDWARD ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

Upon completion of the investigation, the commissioner shall examine the investigation report. He may

- (1) dismiss the complaint, if he is of the opinion that it has no foundation in law or is frivolous or vexatious, or that the evidence is clearly insufficient;
- (2) cite the police officer to appear before the ethics committee if he is of the opinion that the complaint warrants such action;
- (3) refer the case to the Attorney General.

The commissioner may for cause revise any decision made pursuant to subparagraph 1 of the first paragraph. s.74.

The commissioner shall forthwith notify the complainant, the police officer and the director of the police force to which he belongs, of his decision. s.75, para. 1.

If he dismisses the complaint, the commissioner shall also transmit to them the reasons therefor and a summary of the investigation report. He shall, in addition, inform the complainant of his right to submit the decision to review by the Comité de déontologie policière. s.75, para. 2.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Where a matter is disposed of pursuant to clause 48(1)(a) (remedial action without charging the member), the chief, within 15 days after the disposition, shall give notice in writing of the disposition to the member and the complainant. ss.48(2).

Where a matter is disposed of pursuant to clause 52(1)(a), the board, within 15 days after the disposition, shall give notice in writing of the disposition to the chief and the complainant. ss.52(2).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

Commission and shall forward to the person who made the complaint a statement of the action taken in the matter. ss.28(9).

Where an investigation has been carried out under this section, the board or council shall send a report to the Commission of the investigation stating the results of the investigation and the disposition of the matter and shall forward to the person who made the complaint a statement of the action that the board or council has taken in the matter. ss.29(6).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

(f) take no further action with respect to the complaint. subreg. 12(5), N.S. Reg. 101/88.

Where disciplinary proceedings are taken pursuant to subregulation 12(5), the authority which, pursuant to these regulations, disposes of the proceedings shall, in writing, notify the complainant and the Commission of the manner in which the authority disposed of the proceeding as soon as practicable after the authority disposes of the proceeding. subreg. 12(7), N.S. Reg. 101/88.

Where a complaint is satisfactorily resolved by the chief officer or the board, ..., a copy of the complaint and a notice of the manner of the final disposition thereof shall be forwarded to the Commission and the Commission may publish statistics showing the nature and resolution of such complaints. ss.25(2).

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

After receiving a final report, the Commissioner may require the chief of police to have the complaint investigated further. ss.87(8).

A summary of the results of any further investigation shall be sent to the persons who received the final report. ss.87(9).

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

Every notice the commissioner is required to give under sections 66 and 75 shall be given in writing s. 75.1

Where the commissioner dismisses a complaint, he may transmit observations to the police officer whose conduct was the subject-matter of the complaint, for the purpose of improving the police officer's professional conduct or preventing any transgression of the Code of ethics. s.82, para. 1.

The observations shall be transmitted to the police officer through the intermediary of his line supervisor or immediate supervisor but shall not be filed in his personal record. s.82, para. 2.

The commissioner may, in addition to exercising his powers under section 74,

(1) recommend to the director of the police force that he submit the police officer to a medical evaluation or to a period of refresher training provided by a police training institution;

(2) inform the director that the conduct of the police officer was appropriate;

(3) make to the director any recommendation he deems expedient for the enforcement of the Code of ethics. s.83.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(V) REVIEW BY
ANOTHER BODY

The Commission Chairman shall review every complaint referred to the Commission pursuant to subsection 45.41(1) or initiated under subsection 45.37(1) unless the Commission Chairman has previously investigated, or instituted a hearing to inquire into the complaint under section 45.43. ss.45.42(1).

A complainant who alleges he is personally affected by an act or omission set out in the complaint, or a constable against whom the complaint is made, may, not more than 30 days after the date he receives a notice under section 59, send the disciplinary authority a notice requesting an inquiry. ss.60(1).

The Commissioner shall refer a complaint to a provincial judge for a hearing on the merits of the complaint when

(a) a provincial judge has under section 13 (Commissioner not acting on certain complaints) ordered the Commissioner to refer the complaint for a hearing; or

(b) disposition of the complaint within the terms of section 15 (informal resolution) or section 16 (admission of disciplinary default) is not possible. ss.17(1), L.E.R.A.

Where

(a) a chief of police, a board or a council or the Minister does not investigate a complaint as to the conduct of a member of a police force referred by the Commission, and the Commission is not satisfied as to the reasons for the failure to investigate, or

(b) the Commission is not satisfied as to the disposition of any complaint under this Act,

the Commission may

(c) appoint an investigator to conduct the investigation or to investigate the disposition of the complaint, and

(d) conduct a hearing with respect to any matter that is the subject of an investigation under this subsection. ss.26(8).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

Where a police officer is disciplined under this section, that police officer may, within 15 days of his or her receipt of that discipline decision, appeal that decision by filing an appeal with the commissioner, ss.25(3);

A complainant who is not satisfied with a decision of the chief or deputy chief under subsection (1) may, within 15 days of his or her receipt of that decision appeal the decision by filing an appeal with the commissioner ss.25(4)

Notwithstanding subsections 28(1) and 28(2), where a decision is appealed under subsection 25(3) or (4) and the penalty imposed upon a police officer by the chief or deputy chief includes a suspension without pay for 2 weeks or longer, dismissal or demotion, the commissioner shall refer the matter to chief adjudicator of the panel appointed under section 29 who shall conduct a hearing into the matter or refer it to another adjudicator ss.28(3)

NOVA SCOTIA
Police Act, S.N.S. 1974, c.9,
as amended.

Where a complaint is not satisfactorily resolved by the chief officer or the board and where the person making the complaint or the member of a municipal police force has requested a review of that decision by the review board, the complaint shall be referred to the Commission in accordance with the regulations. ss.25(3).

ONTARIO
Police Services Act, 1990,
R.S.O. 1990, c. P.15.

The chief of police shall review the final report of the investigation of a complaint and may order further investigation if he or she considers it advisable. ss.90(1)

A summary of the results of any further investigation shall be sent to the persons who received the final report, and to the Commissioner if he or she conducted the original investigation. ss.90(2).

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC
An Act respecting
police organization and
amending the Police
Act and various
legislation, S.Q. 1988,
c. 75, as amended. (*)

The complainant may, within 15 days after notification of the decision made by the commissioner pursuant to section 65 or subparagraph 1 of the first paragraph of section 74, submit the decision to review by the Comité de déontologie policière s.76, para. 1.

The application for review shall be heard by a member of the division concerned of the Comité de déontologie policière referred to in subparagraph 1 of the first paragraph of section 107.1. The decision rendered by him is the decision of the ethics committee. s.76, para. 2.

The application for review shall be made by filing in the office of the Comité de déontologie policière a written declaration containing a statement of the grounds for the application. s.77.

The application for review shall be decided on the record prepared by the commissioner. s.79.

The ethics committee has exclusive jurisdiction

(1) to hear and dispose of any citation in matters of police ethics;

(2) to review any decision of the commissioner referred to in section 76. s.89, para. 2.

SASKATCHEWAN
The Police Act, 1990, S.S.
1990, c. P-15.01.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-0.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

A citation is a proceeding subsequent to a complaint concerning the conduct of a police officer, the purpose of which is to decide whether the conduct is a transgression of the Code of ethics which may entail the imposition of a penalty. s.90.

The ethics committee is seized of a matter by the filing of a citation in the office of the committee. s.109.

The commissioner may file a citation, in which case he shall act as the complainant. s.110.

The citation must describe the conduct allegedly constituting a transgression of the Code of ethics and indicate what provision of the code has allegedly been transgressed, as well as the time and place of the alleged transgression. s.111.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(1) ACTION TAKEN

**INVESTIGATION OR
 HEARING UPON RE-
 FERRAL**

Where, after reviewing a complaint, the Commission Chairman is satisfied with the disposition of the complaint by the Force, the Commission Chairman shall prepare and send a report in writing to that effect to the Minister, the Commissioner, the member or other person whose conduct is the subject-matter of the complaint and, in the case of a complaint under subsection 45.35(1), the complainant. ss.45.42(2).

Where, after reviewing a complaint, the Commission Chairman is not satisfied with the disposition of the complaint by the Force or considers that further inquiry is warranted, the Commission Chairman may

(a) prepare and send to the Minister and the Commissioner a report in writing setting out such findings and recommendations with respect to the complaint as the Commission Chairman sees fit;

(b) request the Commissioner to conduct a further investigation into the complaint; or

(c) investigate the complaint further or institute a hearing to inquire into the complaint. ss.45.42(3).

Where a notice requesting an inquiry is not sent within the time limited by subsection 60(1), the disciplinary authority may deal with the complaint as an internal disciplinary proceeding under a prescribed code of discipline. ss.60(2).

Subject to subsection 60(2), the disciplinary authority shall promptly submit a copy of the notice to the complaint commissioner, the minister and, where the inquiry is requested in respect of a complaint against a municipal constable, the disciplinary tribunal responsible for the municipal police force. ss.60(3).

Where the minister receives a copy of a notice requesting an inquiry in respect of a complaint against a provincial constable, the minister shall direct that the inquiry be held by a disciplinary tribunal consisting of the commission, a committee the minister designates or jointly by the commission and a committee the minister designates and shall give a copy of the notice to the tribunal. ss.60(4).

Where the Commissioner refers a complaint to a provincial judge under subsection 17(1), the Commissioner shall serve the respondent with notice of each alleged disciplinary default in the form prescribed by the regulations, and the Commissioner shall forward a copy of the notice of each alleged disciplinary default to the provincial judge. ss.17(2), L.E.R.A.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

Upon receipt of an appeal under section 25, the commissioner shall forward a notice of the appeal to the chief and the other parties. ss.26(1).

Where an appeal under section 25 is filed with the commissioner, the commissioner or an investigator shall investigate the complaint. ss.26(2).

Following an investigation of a complaint, the commissioner, with the consent of the parties, may effect a settlement of the complaint. ss.26(3).

Where the commissioner effects a settlement of a complaint under subsection (3), he or she shall report the settlement to the chief, and the commissioner shall notify the other parties that no further action will be taken with regard to the complaint unless the terms of the settlement are not complied with ss.26(4).

Where the terms of a settlement referred to in this section are not complied with, the commissioner may reopen the complaint and proceed as if a settlement had not been effected. ss.26(5).

A complaint shall be considered settled for the purpose of this Part only if the commissioner and all parties approve the settlement and comply with its terms. ss.26(6).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

The Commission shall investigate the matter and attempt to resolve the complaint. ss.25(4).

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

After reviewing the final report and the results of any further investigation, the chief of police shall,

- (a) decide that no further action is necessary;
- (b) admonish the police officer regarding the matter in accordance with subsection 59(1);
- (c) hold a disciplinary hearing under section 60;
- (d) order that all or part of the complaint be the subject of a hearing by a board of inquiry; or
- (e) cause an information to be laid against the police officer and refer the matter to the Crown Attorney for prosecution. ss.90(3).

If the chief of police decides to hold a disciplinary hearing under section 60 or orders a hearing by a board of inquiry, he or she may at the same time cause an information to be laid against the police officer. ss.90(4).

The chief of police shall give written notice of the decision to the Commissioner, the complainant and the police officer, with reasons in the case of a decision that no further action is necessary or a decision to admonish the police officer. ss.90(5).

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

The ethics committee may confirm or quash the decision submitted to it. s.80, para. 1.

Where the committee quashes a decision made by the commissioner pursuant to section 65, it may order him to hold or pursue an investigation. Where it quashes a decision made pursuant to subparagraph 1 of the first paragraph of section 74, the committee may order the commissioner to cite the police officer to appear before the competent ethics committee within 15 days after its decision. s.80, para. 2.

In no case may the member of the Comité de déontologie policière who has heard an application for review under section 76 subsequently hear and dispose of a citation relating to the same facts. s.81.

The clerk shall serve the citation on the police officer concerned and a copy thereof on the person who lodged the complaint under section 51, by registered or certified mail.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Where, after an investigation of a public complaint mentioned in subsection 45(1), the chief is of the opinion that the actions of the member may constitute a contravention of the regulations governing the discipline of members:

(a) the chief, in accordance with the regulations and with the consent of the investigator and the member who is the subject of the complaint, may order remedial action to be taken without charging the member; or

(b) where the chief does not proceed pursuant to clause (a), the chief shall:

(i) charge the member who is the subject of the public complaint with a major or minor disciplinary offence; and

(ii) order a hearing into the matter as it relates to the contravention. ss.48(1).

Where, after an investigation of a public complaint mentioned in subsection 49(2), a board is of the opinion that the actions of the chief may constitute a contravention of the regulations governing discipline:

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

INVESTIGATION OR HEARING IN THE PUBLIC INTEREST

Where the Commission Chairman considers it advisable in the public interest, the Commission Chairman may investigate, or institute a hearing to inquire into, a complaint concerning the conduct, in the performance of any duty or function under this Act, of any member or other person appointed or employed under the authority of this Act, whether or not the complaint has been investigated, reported on or otherwise dealt with by the Force under this Part. ss.45.43(1).

On completion of an investigation under paragraph 45.42(3)(c) or subsection 45.43(1), the Commission Chairman shall prepare and send to the Minister and the Commissioner a report in writing setting out such findings and recommendations with respect to the complaint as the Commission Chairman sees fit unless the Commission Chairman has instituted, or intends to institute, a hearing to inquire into the complaint under that paragraph or subsection. ss.45.43(3).

COMMISSIONER'S RE- VIEW OF INVESTIGA- TION REPORTS

On receipt of a report under subsection 45.42(3), 45.43(3) or 45.45(14), the

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

For the purpose of this section, the word "parties" shall include the chief, the complainant and the police officer against whom the complaint was made. ss.26(7).

For the purpose of the investigation of a complaint, the commissioner or an investigator may, if he or she has reasonable grounds to believe that it is necessary to do so, and, after informing the chief, enter, without a warrant, premises or property owned or occupied by the constabulary and examine there books of account, records, documents, work, material and other things related to the investigation and the persons in those premises shall

(a) answer all questions concerning those matters put to them; and

(b) produce for inspection books of account, records, documents, work, material and other things related to that investigation

for the commissioner or investigator. ss.27(1).

Where the commissioner or an investigator believes on reasonable grounds that there is in a place anything that there are reasonable grounds to believe will provide evidence with respect to a complaint, the commissioner or an investigator

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

If the chief of police orders a hearing by a board of inquiry, he or she shall also notify the chair appointed under subsection 103(9). ss.90(6).

The chief of police shall give notice of the decision within six months of receiving the final report, unless the Commissioner grants an extension. ss.90(7).

If the chief of police does not give notice of the decision within the six-month period and is not granted an extension, he or she shall be deemed to have decided that no further action is necessary. ss.90(8).

REVIEW BY COMMISSIONER

The Commissioner shall review the decision of the chief of police,

(a) at the complainant's or police officer's request, in the case of a decision under section 90 to admonish the police officer;

(b) at the complainant's request, in the case of a decision under section 90 that no further action is necessary;

(c) at the complainant's request, in the case of a decision under section 85 that the complaint or part of it not be further dealt with under this Part. ss.91(1).

PRINCE EDWARD ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

Within seven days of the service of the citation, the police officer cited to appear shall file, in the clerk's office, a declaration in which he admits or denies the facts alleged against him. s.113, para. 1.

Where the police officer fails to file such a declaration, he is presumed to have denied the facts. s.113, para. 2.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

(a) the board, in accordance with the regulations and with the consent of the investigator and the chief who is the subject of the complaint, may order remedial action to be taken without charging the chief; or

(b) where the board does not proceed pursuant to clause (a), the board shall:

(i) charge the chief who is the subject of the public complaint with a major or minor disciplinary offence; and

(ii) order a hearing into the matter as it relates to the contravention. ss.52(1).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

Commissioner shall review the complaint in light of the findings and recommendations set out in the report. ss.45.46(1).

After reviewing a complaint in accordance with subsection 45.46(1), the Commissioner shall notify the Minister and the Commission Chairman in writing of any further action that has been or will be taken with respect to the complaint, and where the Commissioner decides not to act on any findings or recommendations set out in the report, the Commissioner shall include in the notice the reasons for not so acting. ss.45.46(2).

After considering a notice under subsection 45.46(2), the Commission Chairman shall prepare and send to the Minister, the Commissioner and the parties a final report in writing setting out such findings and recommendations with respect to the complaint as the Commission Chairman sees fit. ss.45.46(3).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

may, with a warrant issued under subsection (3), at a reasonable time enter a building or a place and may investigate, inquire into, examine and copy books of account, records, documents, work, material and other things relating to that investigation. ss.27(2).

Where a Provincial Court judge or, where there is no Provincial Court judge available, a justice of the peace, is satisfied by information upon oath or affirmation that there are reasonable grounds for believing that there is in a building or a place anything that there are reasonable grounds to believe will provide evidence with respect to a complaint, he or she may issue a warrant authorizing the commissioner or the investigator to enter and search that building or place and to make those inquiries and copies of books of account, records, documents, work, material and other things that are necessary, subject to those conditions that may be specified in the warrant. ss.27(3).

The owner or person in charge of the building or place referred to in this section and persons found there shall give the commissioner or investigator named in the warrant reasonable help to enable that person to carry out his or her duties and functions under this section and shall provide the information the commissioner or investigator may reasonably require. ss.27(4).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

The Commissioner may, if in his or her opinion it is in the public interest to do so, review the decision of the chief of police,

(a) in the case of a decision under section 90 to admonish the police officer;

(b) in the case of a decision under section 90 that no further action is necessary;

(c) in the case of a decision under section 85 that the complaint or part of it not be further dealt with under this Part. ss.91(2).

The Commissioner shall, at the complainant's request, review the decision made in a disciplinary hearing under section 60 arising out of a complaint. ss.91(3).

The complainant or police officer may request a review by the Commissioner only within thirty days of receiving notice of the decision, unless the Commissioner grants an extension. ss.91(4).

In the case of a complaint made under section 78, the Commissioner may review,

(a) a decision by the chief of police to admonish the police officer;

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974, c.9,
 as amended.

ONTARIO
Police Services Act, 1990,
 R.S.O. 1990, c. P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting
police organization and
amending the Police
Act and various
legislation, S.Q. 1988,
 c. 75, as amended. (*)

SASKATCHEWAN
The Police Act, 1990, S.S.
 1990, c. P-15.01.

A person shall not conceal or destroy documents or things relating to an investigation by the chief or the commissioner under this Part ss.27(5).

Following an investigation of a complaint, where the commissioner determines that the decision of the chief or deputy chief appealed under subsection 25(3) or (4) was properly made, he or she may dismiss the complaint and confirm the decision of the chief or deputy chief. ss.28(1).

Following an investigation of a complaint and where the commissioner does not dismiss a complaint and confirm the decision of the chief or deputy chief under subsection (1) and does not effect a settlement under section 26, he or she shall refer the matter to the chief adjudicator of the panel appointed under section 29 who shall conduct a hearing into the matter or refer it to another adjudicator. ss.28(2)

(b) a decision by the chief of police that no further action is necessary;

(c) the decision made in a disciplinary hearing under section 60 arising out of the complaint. ss.91(5).

After conducting the review, the Commissioner may decide to take no further action, or may order a hearing by a board of inquiry if he or she believes it to be necessary in the public interest. ss.91(6).

The Commissioner shall forthwith give written notice of his or her decision, with reasons in the case of a decision to take no further action, to the chief of police, the complainant and the police officer. ss.91(7).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(VI) HEARING PROCESS

Notwithstanding section 45(3) or 46(4), where a matter that is referred to the Attorney General under section 45(2)(a) or 46(3)(a) (as constituting an offence under an Act of the Parliament of Canada or the Legislature of Alberta) is also to be proceeded with under section 45(3) or 46(4), the hearing of the matter under section 45(3) or 46(4) may be deferred until the proceedings respecting the offence are concluded. ss.47(3).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

Following an investigation of a complaint and where the commissioner does not dismiss a complaint and confirm the decision of the chief or deputy chief under subsection 28(1) and does not effect a settlement under section 26, he or she shall refer the matter to the chief adjudicator of the panel appointed under section 29 who shall conduct a hearing into the matter or refer it to another adjudicator. ss 28(2)

Notwithstanding subsections 28(1) and 28(2), where a decision is appealed under subsection 25(3) or (4) and the penalty imposed upon a police officer by the chief or deputy chief includes a suspension without pay for 2 weeks or longer, dismissal or demotion, the commissioner shall refer the matter to the chief adjudicator of the panel appointed under section 29 who shall conduct a hearing into the matter or refer it to another adjudicator ss.28(3)

Where, in the opinion of the adjudicator, complaints respecting more than 1 police officer arise from the same incident or matter, those complaints may be heard at the same time ss 32(3)

NOVA SCOTIA
Police Act, S.N.S. 1974, c.9,
as amended.

Where the Commission does not satisfactorily resolve the complaint, the complaint shall be referred to the (Police) Review Board in accordance with the regulations and the Review Board shall conduct a hearing in respect of the complaint. s.27.

ONTARIO
Police Services Act, 1990,
R.S.O. 1990, c. P.15.

After reviewing the final report and the results of any further investigation the chief of police shall, ...

(d) order that all or part of the complaint be the subject of a hearing by a board of inquiry; ... ss.90(3).

After conducting the review, the Commissioner may decide to take no further action, or may order a hearing by a board of inquiry if he or she believes it to be necessary in the public interest. ss.91(6).

If a penalty is imposed on a police officer after a disciplinary hearing under section 60 that was conducted as a result of the complaint, he or she may appeal to a board of inquiry by serving a notice of appeal on the Commissioner, the chair of the panel and the chief of police within fifteen days of receiving notice of the decision. ss.92(1).

The hearing of the police officer's appeal and any hearing ordered by the Commissioner under section 91 shall be combined. ss.92(4).

A board of inquiry shall be constituted,
(a) when the chief of police orders under section 90 that a matter be heard by a board of inquiry;

PRINCE EDWARD ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC
An Act respecting
police organization and
amending the Police
Act and various
legislation, S.Q. 1988,
c. 75, as amended. (*)

The ethics committee must allow the cited police officer to be heard and to present a full and complete defence. s.116, para. 1.

If the police officer, although he was duly notified, does not present himself at the appointed time and has not given a valid excuse for his absence, or if he refuses to be heard, the committee may hear the case despite his absence and render a decision. s.116, para. 2.

SASKATCHEWAN
The Police Act, 1990, S.S.
1990, c. P-15.01.

All hearings governed by this Part shall be conducted within 60 days after the designation of the hearing officer by the minister, but may be adjourned from time to time. ss.56(3).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

(b) when the Commissioner orders a hearing under section 91; and

(c) when a police officer appeals under section 92. ss.93(1).

The hearing before the board of inquiry shall be a new hearing, unless it follows a disciplinary hearing under section 60; in that case it shall be on the record, but the board may receive new or additional evidence as it considers just. ss.94(1).

If a board is constituted following a disciplinary hearing, the chief of police shall cause a record of the hearing to be prepared, at the Commissioner's expense if the Commissioner ordered the hearing before the board. ss.94(2).

The record shall include a transcript and shall be accompanied by the documents, physical evidence and exhibits considered at the disciplinary hearing. ss.94(3).

This section applies to a police officer who resigns from the police force after a hearing is ordered under section 90 or 91. ss.105(1).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

If the police officer resigns before a board of inquiry is constituted under section 93, the following rules apply:

1. No board of inquiry shall be constituted unless the police officer, within twelve months of the resignation, applies for employment with a police force or is employed by a police force.

2. In that case, the board acquires jurisdiction over the police officer despite the earlier resignation. ss.105(2).

If the police officer resigns after a board of inquiry is constituted, the following rules apply:

1. The board of inquiry loses jurisdiction over the police officer.

2. If the police officer, within twelve months of the resignation, applies for employment with a police force or is employed by a police force, the board's jurisdiction is revived. ss.105(3).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

(1) NOTICE

Where the Commission Chairman decides to institute a hearing to inquire into a complaint pursuant to subsection 45.42(3) or 45.43(1), the Commission Chairman shall assign the member or members of the Commission to conduct the hearing and send a notice in writing of the decision to the Minister, the Commissioner, the member or other person whose conduct is the subject-matter of the complaint and, in the case of a complaint under subsection 45.35(1), the complainant. ss.45.44(1).

The Commission shall serve a notice in writing of the time and place appointed for a hearing on the parties. ss.45.45(2).

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

Where a hearing is proceeded with under section 45(3) or 46(4) the following applies:

(a) a notice in writing of the time, place and purpose of the hearing shall be served on the person who is the subject of the hearing at least 10 days before the commencement of the hearing;

(b) a notice in writing of the time, place and purpose of the hearing shall be served at least 10 days before the commencement of the hearing on any other person, in addition to the person referred to in clause (a), as the person conducting the hearing directs; para. 47(1)(a)(b).

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

A disciplinary tribunal shall, forthwith after it receives a copy of a notice requesting an inquiry, send a notice specifying the date and place of the inquiry to

- (a) the complainant,
- (b) the constable against whom the complaint is made,
- (c) the disciplinary authority, and
- (d) the complaint commissioner,

and the disciplinary tribunal shall hold the inquiry on the date and at the place specified in the notice. ss.60(5).

An inquiry shall be a new hearing at which the persons referred to in subsection 60 (5)(a), (b) and (c) may, and shall if required by the disciplinary tribunal, give evidence viva voce. ss.60(6).

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

Where the Commissioner has referred a complaint to a provincial judge under this Act, the provincial judge shall fix a date, time, and place for a hearing and shall notify

- (a) the complainant;
- (b) the respondent;
- (c) the respondent's Chief of Police; and
- (d) the Commissioner;

of the date, time, and place at least 14 days prior to the hearing. ss.23(1), L.E.R.A.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

The adjudicator shall notify the parties, in writing, of the time and place of the hearing and the notices shall contain a copy of the complaint. ss.30(2).

The parties to a proceeding before an adjudicator are

- (a) the commissioner, who shall have the carriage of the matter;
- (b) the complainant;
- (c) the police officer who is the subject of the complaint;
- (d) the chief, in the case of an appeal by the police officer who is the subject of the complaint; and
- (e) a person who satisfies the adjudicator that he or she has a substantial interest in the complaint. ss.30(1).

A notice or other document required to be given or sent under this Part shall be considered to be received

- (a) if delivered personally; or
- (b) 7 clear days after being sent by 1st class mail to the person at that person's last known place of residence. s.40.

Where, under this Act, personal service of a notice or other document upon a police officer or former police officer has been attempted and not effected, that notice may be served upon a member of the executive of the association and that service shall be considered to be service upon the person intended to be served. ss.42(3).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

Where the investigative branch completes an investigation it shall notify the Registrar and the Registrar shall

(a) refer the matter to the Review Board; and

(b) notify

(i) the authority which made the decision respecting the matter under review,

(ii) the complainant, and

(iii) the member to whom the decision relates,

of the time and place set by the Review Board at which it will hear a review of the complaint. subreg. 14(10), N.S. Reg. 101/88.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

If the Commissioner orders a hearing by a board of inquiry, he or she shall also notify the chair appointed under subsection 103(9). ss.91(8).

The Commissioner shall forthwith notify the complainant of the appeal. ss.92(2).

A member of the panel who was appointed on a recommendation made under subsection 103(2) may grant an extension of the time provided for serving a notice of appeal, before or after the expiry of the time, and may give directions in connection with the extension. ss.92(3).

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

Upon receipt of the declaration, the vice-chairman appointed to the division concerned shall fix the date and place of the sitting. The clerk shall notify the parties by registered or certified mail not less than 30 days before the date scheduled for the sitting. s.115.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

At least 10 days before the commencement of a hearing governed by this Part, the hearing officer shall cause a notice in writing of the time, place and purpose of the hearing to be served on:

(a) the person who is the subject of the hearing;

(b) where a public complaint is involved, the complainant and the investigator; and

(c) any other person that the hearing officer considers appropriate. ss.56(4).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(2) COMPOSITION OF
THE HEARING
PANEL

Where a complaint that is to be the subject of a hearing concerns the conduct occurring in the course of providing services pursuant to an arrangement entered into under section 20 (arrangements with local governments), the member of the Commission appointed for the province in which the conduct occurred shall be assigned, either alone or with other members of the Commission, to conduct the hearing. ss.45.44(2).

"Disciplinary tribunal" means, where an inquiry is requested under section 60 in respect of a complaint made against

(a) a provincial constable, the disciplinary tribunal directed by the minister under section 60(4) to hold the inquiry, or

(b) a municipal constable, the board responsible for the municipal constable. s.49.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

The Lieutenant-Governor in Council shall, on the recommendation of the minister, appoint a panel of persons to act as adjudicators. ss.29(1).

A panel appointed under subsection (1) shall consist of not more than 6 persons each of whom shall be a lawyer. ss.29(2).

A member of the panel shall

(a) serve for 3 years during good behaviour; and

(b) continue in office until reappointed or replaced. ss.29(3).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

There shall be a Police Review Board composed of three members appointed by the Governor in Council. ss.28(1).

The Governor in Council shall also appoint persons to serve as alternate members, including alternate chairmen. ss.28(3).

The Chairman of the (Nova Scotia Police) Commission is the Registrar of the Review Board. ss.28(9).

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

The Lieutenant Governor in Council shall appoint a panel of persons to act as members of boards of inquiry to conduct hearings in connection with complaints. ss.103(1).

One-third of the members of the panel shall be members of the Law Society of Upper Canada who are recommended for appointment by the Attorney General. ss.103(2).

One-third of the members of the panel shall be persons, other than police officers and members of the Law Society of Upper Canada, who are recommended for appointment by the Police Association of Ontario. ss.103(3).

One-third of the members of the panel shall be persons, other than police officers and members of the Law Society of Upper Canada, who are recommended for appointment by the Association of Municipalities of Ontario. ss.103(4).

The Attorney General may make the recommendations under subsection (3) or (4) if the Police Association of Ontario or the Association of Municipalities of Ontario, as the case may be, do not submit written recommendations to the Attorney General within the time that he or she specifies. ss.103(5).

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

Sittings of the ethics committee shall be held by three members, namely

(1) the chairman of the ethics committee, the vice-chairman appointed to the division concerned or a member who is an advocate, designated by the vice-chairman; this person shall preside;

(2) a member who is a police officer;

(3) a member who is neither an advocate nor a police officer.

The decision rendered by the three members is the decision of the ethics committee. s.107.1.

The chairman of the ethics committee or one of the vice-chairman shall preside at every sitting at which a citation against a senior officer or junior officer who is not an employee within the meaning of the syndical plan of his police force is heard and disposed of. Moreover, the police officer who is designated to take part in the sitting must be of equal or higher rank than the police officer cited to appear. s.107.2.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

All hearings pursuant to this Part are to be conducted by a hearing officer designated by the minister from the hearing officers appointed pursuant to section 17. ss.56(2).

The Lieutenant Governor in Council shall appoint one or more persons:

(a) who, at the date of their appointment, have been members in good standing of any law society of one of the provinces of Canada for the immediately preceding five years; or

(b) who have been members of the judiciary;

as hearing officers. ss.17(1).

A hearing officer shall perform any duties:

(a) imposed by this Act, the regulations or any other Act on a hearing officer; or

(b) specified by the Lieutenant Governor in Council. ss.17(2).

A hearing officer has all the powers conferred on a commissioner pursuant to The Public Inquiries Act. ss.17(4).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
1988, c. 75, as amended.
(*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

Appointments to the panel shall be for a term not exceeding three years and a member may be reappointed for a further term or terms. ss.103(6).

A member of the panel whose term expires without reappointment continues in office for the purpose of completing the work of a board to which he or she was assigned before the expiration of the term. ss.103(7).

The Lieutenant Governor in Council shall appoint a person to be the chair of the panel. ss.103(9).

The chair shall cause to be prepared and published an annual summary of the decisions of boards, with reasons. ss.103(10).

The chair of the panel shall assign the following members of the panel to the board of inquiry, choosing members from the area where the complaint arose if possible:

1. As presiding officer, a member who was appointed on a recommendation made under subsection 103(2).
2. A member who was appointed on a recommendation made under subsection 103(3).
3. A member who was appointed on a recommendation made under subsection 103(4). ss.93(2).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

In the case of a complaint against a chief of police, the board of inquiry shall include, instead of a member of the panel who was appointed on a recommendation made under subsection 103(3), a person other than a police officer or a member of the Law Society of Upper Canada, appointed to the board of inquiry by the chair of the panel on the recommendation of the Ontario Association of Chiefs of Police, ss.93(3).

(3) RIGHTS OF PERSONS INTERESTEDFEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

In this section and section 45.46, "parties" means the appropriate officer, the member or other person whose conduct is the subject-matter of a complaint and, in the case of a complaint under subsection 45.35(1), the complainant. ss.45.45(15).

The parties and any other person who satisfies the Commission that the person has a substantial and direct interest in a complaint before the Commission shall be afforded a full and ample opportunity, in person or by counsel, to present evidence, to cross-examine witnesses and to make representations at the hearing. ss.45.45(5).

The Commission shall permit any person who gives evidence at a hearing to be represented by counsel. ss.45.45(6).

In addition to the rights conferred by subsections (5) and (6), the appropriate officer may be represented or assisted at a hearing by any other member. ss.45.45(7).

Any document or thing produced pursuant to this section to the Commission shall, on the request of the person producing the document or thing, be released to that person within a reasonable time after completion of the final report under subsection 45.46(3). ss.45.45(12).

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

The person in respect of whom the complaint is made is entitled

(i) to appear before the person conducting the hearing,

(ii) to make representations to the person conducting the hearing, and

(iii) to be represented by a lawyer or an agent; para. 47(1)(i).

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

Every person required to attend and give evidence before a body that is exercising its powers under subsection 66(1) has a right to

(a) be represented by counsel, and

(b) call and examine witnesses. ss.66(2).

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

The complainant and the respondent are parties to a hearing, but the provincial judge hearing the matter may add such other parties, and may receive submissions from such other persons, as he or she considers appropriate. ss.23(2), L.E.R.A.

Both the complainant and the respondent have a right to counsel at any stage of any proceedings under this Act, including review by the Commissioner. s.21, L.E.R.A.

At every hearing, the parties may be present, may call witnesses, may cross-examine witnesses in respect of viva voce or affidavit evidence, and may be represented by counsel. ss.24(6), L.E.R.A.

The case in support of the complaint may be presented by

(a) the complainant; or

(b) counsel retained by the complainant; or

(c) where the complainant applies and is financially eligible for legal aid, counsel appointed by The Legal Aid Services Society of Manitoba. ss.24(7), L.E.R.A.

Where the complainant applies but is financially ineligible for legal aid, the Commissioner shall review the complainant's finances, and where the Com-

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

An adjudicator shall conduct a hearing without undue delay to inquire into the matter referred to him or her and shall give full opportunity to all parties to present evidence and make representations, in person or through counsel. ss.31(2).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

At a hearing of the Review Board into a complaint, the following may be parties to the proceeding: the complainant; the member of the municipal force who is the subject of complaint or disciplinary proceedings; the chief officer; the board; any person who can demonstrate a personal interest in the proceedings; and the Solicitor General. s.31.

A hearing by the Review Board shall be a hearing de novo and the parties to the proceeding may

(a) appear and be heard and be represented by counsel; and

(b) call witnesses and examine or cross-examine all witnesses. s.32.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

The parties to a hearing are,

(a) the complainant;

(b) the police officer; and

(c) the Commissioner; and

(d) the chief of police, in the case of an appeal by the police officer. ss.95(1).

The board of inquiry may add parties at any stage of the hearing on the conditions it considers proper. ss.95(2).

In the case of a hearing ordered by the chief of police or by the Commissioner, the Commissioner has carriage of the matter and, in the case of an appeal by the police officer, the police officer has carriage. ss.95(3).

In the case of a hearing ordered by the chief of police or by the Commissioner, the chief of police or the Commissioner, as the case may be, shall provide the parties with a concise statement of the allegations of misconduct to be heard. ss.95(4).

The board of inquiry shall appoint a time for the hearing and notify the parties. ss.96(1).

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

The commissioner and the cited police officer are the parties to the case. s.114.

The ethics committee must allow the cited police officer to be heard and to present a full and complete defence. s.116, para. 1.

Every person who appears before the ethics committee has the right to be assisted or represented by an advocate or any person he designates. s.123.

The member presiding at the sitting may convene the parties to a preparatory conference, in particular, to allow or order the presentation of any documentary evidence or report before the sitting. s.126.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Subject to subsection (4), where a hearing is conducted for the purposes of clause (1)(b), the complainant has the right to:

(a) attend the hearing; and

(b) be represented by legal counsel at the complainant's own expense;

but is not entitled to call or cross-examine witnesses. ss.48(3); ss.52(3) - similar provision for hearings concerning a complaint against a chief of police.

Where the hearing officer is satisfied that it is not in the public interest that a complainant attend all or any part of the hearing, the hearing officer may exclude the complainant from all or that part of the hearing. ss.48(4); ss.52(4) - similar provision for hearings concerning a complaint against a chief of police.

No evidence given by a chief, member or civilian member during a hearing governed by this Part is to be used or received against him or her in any civil proceedings or in any proceedings pursuant to any other Act if it tends to incriminate him or her, subject him or her to punishment or establish his or her liability. ss.56(6).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

missioner believes that the complainant cannot afford to retain counsel, the Commissioner may recommend that the minister appoint counsel to present the case in support of the complaint; and the minister may appoint counsel for that purpose. ss.24(8).

Subject to subsection (2), all parties to a hearing and their counsel, but no other persons, are entitled to examine any relevant documents or statements in the possession, or under the control, of the Commissioner. ss.18(1), L.E.R.A.

Where the Commissioner believes that a question of privilege arises in respect of any documents or statements in his or her possession, or that release of the information will unduly harm the interests of a third party, or would otherwise be contrary to the public interest, the Commissioner may deny access to such materials to any of the parties. ss.18(2), L.E.R.A.

A decision of the Commissioner to grant or refuse access to material referred to in subsection (2) is reviewable on application to the Court of Queen's Bench. ss.18(3), L.E.R.A.

The respondent is not bound to make any statement to the Commissioner, or to answer any question

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

Before the hearing, the police officer and the complainant shall be given an opportunity to examine any physical or documentary evidence that will be produced or any report whose contents will be given in evidence at the hearing. ss.96(2).

The oral evidence given at the hearing shall be recorded and copies or transcripts shall be provided on the same terms as in the Supreme Court of Ontario. ss.96(3).

The board of inquiry shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or party or party's counsel or representative, unless all parties receive notice and have an opportunity to participate. ss.96(7).

However, the board may seek legal advice from an adviser independent of the parties, and in that case the nature of the advice shall be communicated to the parties so that they may make submissions as to the law. ss.96(8).

If it appears to be in the interests of justice, the board may direct that the board, the parties and their counsel or representatives shall have a view of any place or thing, and may adjourn the hearing for that purpose. ss.96(9).

A member or chief with respect to whom a public complaint is made or who is the subject of internal discipline proceedings is entitled to:

- (a) appear before the hearing officer; and
- (b) be represented by legal counsel or an agent. ss.56(7).

At any hearing governed by this Part, the burden of proof lies with the person prosecuting the offence. ss.56(13).

No finding of:

- (a) a contravention of the regulations governing discipline;
- (b) unsuitability; or
- (c) incompetence;

is to be made pursuant to this Act unless the alleged contravention, unsuitability or incompetence is proven on a balance of probabilities. s.93.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

asked by the Commission-
 er or anyone employed by
 the Commissioner. s.19,
L.E.R.A..

Any statement made by
 either the complainant or
 the respondent for pur-
 poses of resolving the
 complaint under section 15
 (informal resolution) is
 privileged for all purposes,
 including an action arising
 out of the same facts as
 the complaint. ss.20(2),
L.E.R.A..

Where the respondent
 absconds or refuses or
 neglects without good and
 sufficient cause to attend
 the hearing, the provincial
 judge may hold the hear-
 ing in the respondent's
 absence. ss.24(9),
L.E.R.A..

The provincial judge hear-
 ing the matter shall
 dismiss a complaint in
 respect of an alleged
 disciplinary default unless
 he or she is satisfied on
 clear and convincing
 evidence that the res-
 pondent has committed
 the disciplinary default.
 ss.27(2), L.E.R.A..

At the request of a party
 or the minister, the pro-
 vincial judge hearing the
 matter shall provide to the
 parties and to the minister
 written reasons for

(a) the decision on the
 merits of the complaint;
 and

(b) any penalty ordered
 under section 28 (ordering
 of penalty). ss.27(3),
L.E.R.A..

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

Within a reasonable time after the matter has been finally determined, documents and things put in evidence at the hearing shall, on request, be released to the person who produced them. ss.96(10).

If the police officer is charged with an offence under a law of Canada or of a province or territory in connection with the misconduct or possible misconduct to which the complaint relates, the hearing shall continue unless the Crown Attorney advises the presiding officer that it should be stayed until the conclusion of the court proceedings. ss.96(11).

No member of the board shall participate in a decision unless he or she was present throughout the hearing and heard the parties' evidence and argument; except with the parties' consent, no decision shall be given unless all the members so present participate in it. ss.96(12).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

(4) COMPELLABILITY

In a hearing, no witness shall be excused from answering any question relating to the complaint before the Commission when required to do so by the Commission on the ground that the answer to such question may tend to criminate the witness or subject the witness to any proceeding or penalty. ss.45.45(9).

Where the witness is a member, no answer or statement made in response to a question described in subsection 45.45(9) shall be used or receivable against the witness in any hearing under section 45.1 into an allegation of contravention of the Code of Conduct by the witness, other than a hearing into an allegation that with intent to mislead the witness gave such answer or statement knowing it to be false. ss.45.45(10).

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

The person conducting the hearing has, with respect to the holding of a hearing, the same power as is vested in the Court of Queen's Bench for the trial of civil actions

(i) to summon and enforce the attendance of witnesses,

(ii) to compel witnesses to give evidence on oath or otherwise, and

(iii) to compel witnesses to produce documents, records and things; para. 47(1)(c).

If a person fails to attend, to answer questions or to produce an item as required under clause 47(1)(c), the person conducting the hearing may apply to the Court of Queen's Bench for an order committing that person for contempt in the same manner as if that person were in breach of an order or judgment of that Court; para. 47(1)(d).

Where a police officer or special constables gives evidence during

(a) a hearing under this Act, or

(b) an appeal under this Act arising out of a hearing referred to in clause (a),

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

The respondent is not compellable as a witness at a hearing before a provincial judge. ss.24(10), L.E.R.A.

Where a person who is a respondent or a member of a police department gives evidence during

(a) a hearing; or

(b) an appeal under this Act arising out of a hearing referred to in clause (a);

(b) an appeal under this Act arising out of a hearing referred to in clause (a);

that evidence, if it tends to incriminate the person, subject the person to punishment or establish his or her liability, shall not be used or received against the person in any civil proceeding or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence. ss.24(10.1), L.E.R.A.

No statement made by the respondent to the Commissioner or to anyone employed by the Commissioner, except a statement made for purposes of section 16 (admission of disciplinary default), is admissible at any hearing without the consent of the respondent. ss.20(1), L.E.R.A.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

An adjudicator has the powers of a commissioner appointed under the *Public Inquiries Act*, ss.31(1).

The commissioner or a person employed in the administration of this Act shall not be required to give evidence or produce records obtained in the course of an investigation under this Act in a proceeding, except

- (a) to an adjudicator appointed under this Part to deal with a matter to which that information is relevant; or
- (b) in an appeal under section 36, s.37.

A police officer, an employee of the constabulary, an investigator, the commissioner, adjudicators and all persons acting under this Act shall preserve secrecy in respect of all information obtained in the course of their duties and shall not communicate that information to another person except

- (a) as required in connection with the administration of this Act; and
- (b) to his or her legal counsel in relation to a disciplinary matter under Part III where he or she is the subject of that disciplinary matter, ss.60(1).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

Despite section 12 of the Statutory Powers Procedure Act, the police officer shall not be required to give evidence at the hearing, ss.96(5).

No statement made by the police officer or complainant in the course of an attempt to resolve the complaint informally shall be admitted in evidence at the hearing, except with the consent of the person who made the statement, ss.96(6).

No person shall be required to testify in a civil proceeding with regard to information obtained in the course of his or her duties, except at a hearing held under this Part or at a disciplinary hearing held under Part V, ss.108(4).

No document prepared under this Part as the result of a complaint and no statement referred to in subsection 96(6) (statements made during attempt at informal resolution) is admissible in a civil proceeding, except at a hearing held under this Part or at a disciplinary hearing held under Part V, ss.108(5).

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

that evidence, if it tends to incriminate him, subject him to punishment or establish his liability, shall not be used or received against him in any civil proceeding or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.
s.51.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

A document or report prepared under Part III as the result of a matter before the commissioner or an adjudicator under that Part is not admissible in a civil proceeding against a police officer except at a hearing held under Part III or at an appeal to the Trial Division under Part III, ss.60(2).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(5) PUBLIC HEARING

A hearing to inquire into a complaint shall be held in public, except that the Commission may order the hearing or any part of the hearing to be held in private if it is of the opinion that during the course of the hearing any of the following information will likely be disclosed, namely,

(a) information the disclosure of which could reasonably be expected to be injurious to the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive or hostile activities;

(b) information the disclosure of which could reasonably be expected to be injurious to law enforcement; and

(c) information respecting a person's financial or personal affairs where that person's interest outweighs the public's interest in the information. ss.45.45(11).

An inquiry by a disciplinary tribunal shall be open to the public. s.61.

Subject to subsection 69(2), every meeting and hearing of the commission, a board or a committee shall be open to the public. ss.69(1).

Where the commission or a board or committee believes, in respect of a meeting or hearing held by it, that

(a) a matter respecting public security will arise, and its disclosure could reasonably be expected to seriously impair effective law enforcement,

(b) a financial or personal matter respecting a person will arise, and his interest in the matter outweighs the public's interest in the matter,

(c) a matter respecting labour contract discussions, labour management relations, layoffs or another personnel matter will arise, or

(d) a matter will arise respecting information a person has requested he be allowed to give in private to the commission, board or a committee,

the commission, board or committee, as the case may be, may order that the portion of the meeting or hearing during which the matter will arise shall be held in camera. ss.69(2).

Every hearing shall be public, unless the maintenance of order or the proper administration of justice requires that all or part of a hearing be held in-camera; and the provincial judge hearing the matter may order that all or part of a hearing be held in-camera. ss.24(11), L.E.R.A.

Where any party applies to have all or part of a hearing held in-camera, the onus shall be on that party to satisfy the provincial judge hearing the matter that the maintenance of order or the proper administration of justice requires an in-camera hearing. ss.24(12), L.E.R.A.

Notwithstanding that all or part of a hearing is public, the provincial judge hearing the matter shall, unless satisfied that such an order would be ineffectual,

(a) order that no person shall cause the respondent's name to be published in any newspaper or other periodical publication, or broadcast on radio or television, until the judge has determined the merits of the complaint or the respondent admits having committed a disciplinary default; and

(b) if the complaint is dismissed, order that the ban on publication of the respondent's name continue. s.25, L.E.R.A.

NEWFOUNDLAND

Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. R-17.

All hearings conducted by an adjudicator shall be open to the public and the commissioner shall publish notice of those hearings in the *Gaazette* in the manner prescribed by regulation. ss.32(1).

Notwithstanding subsection (1), where

(a) the matter under consideration involves public security or the desirability of avoiding disclosure in the public interest outweighs the desirability of adhering to the principle of having proceedings open to the public; or

(b) in the public interest or for intimate financial or personal reasons the desirability of avoiding disclosure outweighs the desirability of maintaining public proceedings

the adjudicator may hold all or part of a hearing in private. ss.32(2).

NOVA SCOTIA

Police Act, S.N.S. 1974, c.9, as amended.

A hearing respecting a complaint is open to the public unless the Review Board is of the opinion that it is in the interest of public morals, the maintenance of order or the proper administration of justice to exclude members of the public for all or part of the proceedings. ss.30(1).

ONTARIO

Police Services Act, 1990, R.S.O. 1990, c. P.15.

PRINCE EDWARD ISLAND

Police Act, S.P.E.I. 1974, c. P-9, as amended.

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended. (*)

Every hearing shall be public. s.124, para. 1.

Notwithstanding the first paragraph, the committee may, of its own initiative or upon request, order that a hearing be held in camera or ban the publication or release of any information or document it indicates, in the interest of morality or public order, in particular to protect a person's privacy or reputation or the confidentiality of a police investigation procedure, a source of information or a police operation procedure. s.124, para. 2.

SASKATCHEWAN

The Police Act, 1990, S.S. 1990, c. P-15.01.

A hearing governed by this Part is private unless the hearing officer, the person who is the subject of the public complaint or who is the subject of internal discipline proceedings, the investigator, the complainant and the person prosecuting the complaint agree otherwise. ss.56(9).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

Where the Commission, or a board or committee makes an order under subsection 69(2), it shall forthwith submit to the minister a copy of the minutes of the meeting or hearing and a statement of the reasons for holding the meeting or hearing in camera. ss.69(3).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
1988, c. 75, as amended.
(*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

| | <u>FEDERAL</u> Royal Canadian Mounted Police Act, R.S.C. 1985, c.8 (2nd Supp.) | <u>ALBERTA</u> Police Act, S.A. 1988, c. P-12.01. | <u>BRITISH COLUMBIA</u> Police Act, S.B.C. 1988, c. 53. | <u>MANITOBA</u> The Provincial Police Act, C.C.S.M. 1987, c. P.150. | <u>NEW BRUNSWICK</u> Police Act, S.N.B. 1977, c. P-9.2, as amended. |
|-------------------------------------|--|---|---|--|---|
| (6) <u>DISPOSITION OF COMPLAINT</u> | <p>Upon completion of a hearing, the Commission is empowered to make findings and recommendations in its report. ss.45,45(14).</p> <p>N.B. Please refer to the reporting requirements below.</p> | <p>On considering a matter that is the subject of a complaint,</p> <p>(a) the chief of police or his designate, in the case of a complaint under section 45, or</p> <p>(b) the commission, in the case of a complaint under section 46, may dismiss the matter or, subject to the regulations, take any action against the person in respect of whom the complaint is made that</p> <p>(c) the chief of police or his designate, in the case of a complaint under section 45, or</p> <p>(d) the commission, in the case of a complaint under section 46, considers proper in the circumstances. ss.47(4).</p> | <p>A disciplinary tribunal holding an inquiry respecting a complaint against a provincial constable shall</p> <p>(a) review the complaint,</p> <p>(b) review the investigation made, and any disciplinary action intended to be taken by the disciplinary authority,</p> <p>(c) determine whether the complaint is justified, and</p> <p>(d) not more than 10 days after it concludes the inquiry, submit its findings and recommendations to the complainant, the provincial constable against whom the complaint is made, the minister, the disciplinary authority and the complaint commissioner. s.62.</p> <p>After holding an inquiry respecting a complaint against a municipal constable, the disciplinary tribunal shall</p> <p>(a) approve, or approve subject to the terms it specifies, the disciplinary action intended to be taken by the disciplinary authority,</p> <p>(b) reject the disciplinary action intended to be taken by the disciplinary authority and order that it take the disciplinary action the disciplinary tribunal specifies,</p> | <p>The purpose of the Commissioner's consultation with the respondent's Chief of Police shall be to determine the opinion of the Chief of Police with respect to</p> <p>(a) the severity of the alleged disciplinary default; and</p> <p>(b) the contents of the respondent's service record;</p> <p>and the Commissioner's recommendation concerning an appropriate penalty shall be based solely upon these two factors. ss.16(3), <u>L.E.R.A.</u></p> <p>The provincial judge hearing the matter shall dismiss a complaint in respect of an alleged disciplinary default unless he or she is satisfied on clear and convincing evidence that the respondent has committed the disciplinary default. ss.27(2), <u>L.E.R.A.</u></p> <p>Where the respondent admits having committed or is found to have committed a disciplinary default, the provincial judge hearing the matter shall hear the submissions of the parties and details of the service record of the respondent; and he or she shall order one or more of the penalties set out in section 30 for each disciplinary default which the respondent has committed. ss.28(1), <u>L.E.R.A.</u></p> | <p>Where, after an investigation and a hearing, a member of a police force has been found guilty by the Commission of a <u>major violation</u> of the code, the Commission may issue an order directing the chief of police</p> <p>(a) to issue a written warning to the member,</p> <p>(b) to suspend the member without pay for a period not exceeding ten days,</p> <p>(c) to reduce the member in rank, seniority or in pay,</p> <p>(d) to dismiss the member, but if he is entitled, to place him in retirement,</p> <p>(e) to request the member to resign and if he does not do so within seven days to dismiss the member, or</p> <p>(f) to impose cumulatively any punishments set out in paragraphs (a) to (c). ss.26(9).</p> <p>Sanctions imposed by the chief of police; ss.28(7).</p> <p>Sanctions imposed by the board or council; ss.29(4).</p> <p>Where after an investigation and a hearing, a member of a police force has been found guilty by the Commission of a <u>minor violation</u> of the code, the Commission may issue an order directing the chief of police</p> |

NEWFOUNDLAND

Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. R-17.

Following a hearing not respecting the chief an adjudicator shall make a determination on the balance of probability and may order

(a) that the decision appealed from be confirmed;

(b) that the police officer who is the subject of the complaint

(i) comply with standards of police service prescribed in the regulations,

(ii) enter a rehabilitative or further training program which the adjudicator considers necessary,

(iii) be reinstated with or without a reprimand,

(iv) where he or she is not a commissioned officer, not be considered for promotion for a time period of up to 3 years,

(v) where he or she is not a commissioned officer, be demoted permanently or for a specified period,

(vi) where he or she is not a commissioned officer, be suspended with or without a salary for a specified period of time, and

(vii) where he or she is not a commissioned officer, be dismissed from his or her position with the constabulary;

NOVA SCOTIA

Police Act, S.N.S. 1974, c.9, as amended.

At a hearing under this Act, the Review Board may:

(a) make findings of fact;

(b) dismiss the matter;

(c) find that the matter under review has validity and recommend to the body responsible for the member of the municipal police force what should be done in the circumstances;

(d) vary any penalty imposed including, notwithstanding any contract or collective agreement to the contrary, the dismissal of the member of the municipal police force or the suspension of the member with or without pay;

(e) affirm the penalty imposed;

(f) substitute a finding that in its opinion should have been reached;

(g) award or fix costs where appropriate; and

(h) supersede a disciplinary procedure or provision in a contract or collective agreement. ss.33(1).

ONTARIO

Police Services Act, 1990, R.S.O. 1990, c. P.15.

The decision of a majority of the members of the board is the board's decision. ss.96(13).

If misconduct is proved at the hearing on clear and convincing evidence, the chief of police may make submissions as to penalty and the board of inquiry may,

(a) dismiss the police officer from the police force;

(b) direct that the police officer be dismissed in seven days unless he or she resigns before that time;

(c) demote the police officer, specifying the manner and period of the demotion;

(d) suspend the police officer without pay for a period not exceeding thirty days or 240 hours, as the case may be;

(e) direct that the police officer forfeit not more than five days' or forty hours' pay, as the case may be; or

(f) direct that the police officer forfeit not more than twenty days or 160 hours off, as the case may be. ss.97(1).

PRINCE EDWARD ISLAND

Police Act, S.P.E.I. 1974, c. P-9, as amended.

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended. (*)

The committee shall decide whether the conduct of the police officer constitutes a transgression of the Code of ethics and, if so, shall impose a penalty. s.129, para. 1.

Before imposing a penalty, the committee shall allow the parties to be heard in respect of the penalty. s.129, para. 2.

The commissioner shall submit to the committee, by way of a citation, every final decision of a Canadian court convicting a police officer of an indictable offence constituting a transgression of the Code of ethics. s.125, para. 1.

The committee shall accept a duly certified copy of the judicial decision as proof of guilt. s.125, para. 2.

This section also applies to any decision of a foreign court convicting a police officer of an indictable offence which would have entailed the application of the first paragraph had it been committed in Canada. s.125, para. 3.

Where the ethics committee comes to the decision that the conduct of a police officer is a transgression of the Code of ethics, it may, within 14 days after the date of the decision, impose one of the following penalties on the police officer:

SASKATCHEWAN

The Police Act, 1990, S.S. 1990, c. P-15.01.

For an offence designated in the regulations as a major disciplinary offence, a hearing officer may, in accordance with the regulations:

(a) order dismissal of the member or chief;

(b) order demotion of the member or chief;

(c) order suspension of the member or chief with or without pay for a period up to 60 days;

(d) order the member or chief to pay a fine not exceeding \$1,000;

(e) order a period of probation or close supervision of the member or chief;

(f) order the member or chief to undergo counselling, treatment or training;

(g) issue a reprimand to the member or chief;

(h) make any order he or she deems fit;

(i) do any combination of the things mentioned in clauses (a) to (h); or

(j) dismiss the matter. ss.58(1).

For an offence designated in the regulations as a minor disciplinary offence, a hearing officer may, in accordance with the regulations:

(a) order a period of probation or close supervision for the member or chief;

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(c) request the commission to order that a further investigation be made of the complaint, or

(d) make an order it considers appropriate in the circumstances. ss.63(1).

The disciplinary tribunal shall, not more than 10 days after the date it makes its decision under subsection (1), serve a notice of its decision on the complainant, the municipal constable against whom the complaint was made, the disciplinary authority and the complaint commissioner. ss.63(2).

In the case of a complaint referred to a provincial judge under subsection 14(5) (admission of disciplinary default), the provincial judge shall examine the written statement forwarded by the Commissioner under subsection 14(6) (statement of facts and recommended penalty) before ordering a penalty against the respondent. ss.28(2), L.E.R.A..

For each disciplinary default committed by the respondent, the provincial judge may order the penalty recommended by the Commissioner or such other penalty as the provincial judge considers appropriate in the circumstances. ss.28(3), L.E.R.A..

A member who admits having committed or is found to have committed a disciplinary default is liable to one or more of the following penalties set out in diminishing order of seriousness:

(a) dismissal;

(b) permission to resign, and in default of resignation within seven days, summary dismissal;

(c) reduction in rank;

(d) suspension without pay up to a maximum of 30 days;

(a) to issue a written warning to the member,

(b) to suspend the member without pay for a period not exceeding three days, or

(c) to impose cumulatively any punishments set out in paragraphs (a) to (b). ss.26(10).

Sanctions imposed by the chief of police; ss.28(8).

Sanctions imposed by the board or council; ss.29(5).

Where an order of the Commission is directed to a chief of police under subsection (9) or (10), the chief of police shall implement the order forthwith. ss.26(11).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

(c) that, where the police officer who was the subject of the complaint conducted himself or herself in a proper manner, he or she be compensated for reasonable costs incurred by him or her as a result of the investigation and hearing;

(d) that the police officer who was the subject of the complaint pay the reasonable costs incurred by the constabulary in an investigation and discipline of that police officer by the chief; and

(e) that the police officer who was the subject of the complaint pay the reasonable costs incurred by the commission in conducting an investigation or hearing. ss.33(1).

"Police officer" means the chief and every commissioned and non-commissioned officer and every recruit of the constabulary but does not include a special constable appointed under section 16, para. 2(l).

Following a hearing under this Part respecting a commissioned officer, an adjudicator shall make a determination on the balance of probability and may recommend to the minister that

(a) a commission granted under subsection 4(4) be revoked;

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

Instead of or in addition to a penalty described in subsection (1), the board may reprimand the police officer. ss.97(3).

The Commissioner may make recommendations with respect to the practices or procedures of a police force by sending the recommendations, with any supporting documents, to,

- (a) the Attorney General;
- (b) the Solicitor General;
- (c) the chief of police;
- (d) the association, if any; and
- (e) the police services board, in the case of a municipal police force. ss.101(1).

Within ninety days of receiving the recommendations, the chief of police, association and police services board shall send their comments to the Attorney General, the Solicitor General and the Commissioner. ss.101(2).

No reference to a complaint, a hearing held under this Part or a disciplinary hearing conducted under section 60 as a result of the complaint shall be made in the police officer's employment record, and the matter shall not be taken into account for any purpose related to his or her employment, unless,

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

- (1) a warning;
- (2) a reprimand;
- (3) a suspension without salary for a period not exceeding 60 working days;
- (4) a demotion;
- (5) dismissal. s.130.

In determining the penalty, the ethics committee shall take into account the gravity of the misconduct having regard to all the circumstances, and the ethical record of the police officer. s.131, para. 1.

In fixing the duration of the suspension without salary of a police officer, the committee shall also take into account any period during which the police officer was, in respect of the same facts, provisionally relieved of his duties without salary by the director of the police force to which he belongs. Where applicable, the committee may order that the police officer be paid the salary he did not receive for the period during which he was provisionally relieved of his duties which exceeds the duration of the suspension without salary imposed on him by the committee. Upon its filing in the office of the competent court by any interested person, a decision ordering the back

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

(b) order the member or chief to pay a fine not exceeding \$200;

(c) order the member or chief to undergo counselling, treatment or training;

(d) issue a reprimand to the member or chief;

(e) make any order he or she deems fit;

(f) do any combination of the things mentioned in clauses (a) to (e); or

(g) dismiss the matter. ss.58(2).

Notwithstanding anything in this Act, a chief may be dismissed:

(a) for cause; or

(b) on any terms and conditions that the chief and the board may otherwise agree. ss.6B(1).

Subject to any appeal, every member, chief, board or investigator that is subject to an order or decision of the hearing officer or the commission shall comply with that order or decision, as the case may be. s.73.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(e) forfeiture of pay up to a maximum of 10 days' pay;

(f) forfeiture of leave or days off not to exceed 10 days;

(g) a written reprimand;

(h) a verbal reprimand;

(i) an admonition. s.30, L.E.R.A.

Where the provincial judge has ordered a penalty against the respondent, the respondent's Chief of Police shall impose the penalty; but where the respondent is a Chief of Police, the employer of the Chief of Police shall impose the penalty. ss.28(4), L.E.R.A.

For purposes of this Act, each member shall be deemed to have a blank service record as of the coming into force of this Act; and each member's service record shall relate only to the professional conduct of the member subsequent to the coming into force of this Act. ss.32(3), L.E.R.A.

Notwithstanding anything in this Act, where no penalty other than an admonition is imposed against a member for a disciplinary default under this Act, the member's Chief of Police shall not record the disciplinary default or the admonition on the member's service record. ss.32(4), L.E.R.A.

NEWFOUNDLAND

Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. R-17.

(b) the commissioned officer not be considered for promotion for a period of up to 3 years;

(c) the commissioned officer be demoted; and

(d) the commissioned officer be suspended with or without a salary for a specified period of time or dismissed from his or her office as commissioned officer. ss.33(2).

Following a hearing respecting the chief, the adjudicator shall make a determination on the balance of probability and may recommend in writing to the minister that the chief

(a) comply with standards of police service prescribed in the regulations;

(b) enter a rehabilitative or further training program which the adjudicator considers necessary;

(c) be reprimanded;

(d) be demoted permanently;

(e) be dismissed from his or her office as chief;

(f) be suspended or further suspended with or without a salary for a specified period of time;

(g) where found to have conducted himself or herself in a proper manner respecting the matter of complaint be compensated for reasonable costs incurred by him or her as a result of an investigation and hearing; and

NOVA SCOTIA

Police Act, S.N.S. 1974, c.9, as amended.

ONTARIO

Police Services Act, 1990, R.S.O. 1990, c. P.15.

(a) the police officer is convicted of an offence in connection with the incident;

(b) misconduct is proved on clear and convincing evidence at a hearing held under this Part or at a disciplinary hearing;

(c) the chief of police admonishes the police officer in connection with the incident, in accordance with subsection 59(1);

(d) the police officer admits misconduct in the course of attempts to resolve the complaint informally; or

(e) the police officer resigns before the complaint is finally disposed of. s.104.

PRINCE EDWARD ISLAND

Police Act, S.P.E.I. 1974, c. P-9, as amended.

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended. (*)

payment of salary becomes executory as if it were a judgment of that court and has all the effects thereof. s.131, para. 2.

SASKATCHEWAN

The Police Act, 1990, S.S. 1990, c. P-15.01.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND

Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. R-17.

NOVA SCOTIA

Police Act, S.N.S. 1974, c.9, as amended.

ONTARIO

Police Services Act, 1990, R.S.O. 1990, c. P.15.

PRINCE EDWARD ISLAND

Police Act, S.P.E.I. 1974, c. P-9, as amended.

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended.
(*)

SASKATCHEWAN

The Police Act, 1990, S.S. 1990, c. P-15.01.

(h) except in the circumstances referred to in paragraph (g), pay the reasonable costs incurred by the commission in conducting an investigation and hearing. ss.33(3).

An order or recommendation of an adjudicator shall be made in writing, together with a statement of the reasons for the order or recommendation, and a copy shall be provided to the commissioner, the chief and all parties. ss.33(4).

The minister shall consider a recommendation made under subsection (2) or (3) and recommend a course of action based upon that recommendation to the Lieutenant-Governor in Council. ss.33(5).

The Lieutenant-Governor in Council shall consider the recommendation of the minister under subsection (5) and may order that a recommendation made under subsection (2), (3) or (5) be implemented. ss.33(6).

Following a hearing under this Part, where an adjudicator concludes that the actions of a complainant in making a complaint were unfounded, the adjudicator may order that the complainant pay the reasonable costs incurred by the commission in conducting an investigation, a hearing, or both. ss.33(7).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND

Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. R-17.

An order of an adjudicator shall be binding on all parties. ss.33(8).

Where a person is ordered to pay costs under this section, he or she may apply to have those costs taxed in accordance with the *Judicature Act*. ss.33(9).

Notwithstanding paragraphs (1)(d) and (e), 3(h) and subsection (7), costs shall not be assessed against a person for expenses incurred by delays or other proceedings commenced which were beyond the control of that person. ss.33(10).

An order made by an adjudicator under subsection 33(1) may be filed with the Registrar of the Supreme Court and is enforceable in the same manner as an order or a judgment of the Trial Division. s.34.

Notwithstanding section 33 and an order which the adjudicator may make, the adjudicator may also make recommendations respecting matters of concern or interest to the public relating to police services by sending the recommendations, with supporting documents, to the minister. s.35.

A reference to a complaint, hearing or discipline under this Act shall not be made in a police officer's employment record and the matter shall not be taken into account for a purpose related to that police officer's employment, unless

NOVA SCOTIA

Police Act, S.N.S. 1974, c.9, as amended.

ONTARIO

Police Services Act, 1990, R.S.O. 1990, c. P.15.

PRINCE EDWARD ISLAND

Police Act, S.P.E.I. 1974, c. P-9, as amended.

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended.

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Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND
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Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

(a) the police officer is convicted of an offence in connection with the incident;

(b) an adjudicator makes a disciplinary order under section 33 and that order is not appealed or is upheld on appeal;

(c) the chief or the deputy chief disciplines a police officer under section 25 and that discipline is not appealed or is upheld on appeal; or

(d) the police officer resigns before the complaint is disposed of. s.41.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

(7) REPORTING

On completion of a hearing, the Commission shall prepare and send to the Minister and the Commissioner a report in writing setting out such findings and recommendations with respect to the complaint as the Commission sees fit. ss.45.45(14).

On receipt of a report under subsection 45.42(3), 45.43(3) or 45.45(14), the Commissioner shall review the complaint in light of the findings and recommendations set out in the report. ss.45.46(1).

After reviewing a complaint in accordance with subsection (1), the Commissioner shall notify the Minister and the Commission Chairman in writing of any further action that has been or will be taken with respect to the complaint, and where the Commissioner decides not to act on any findings or recommendations set out in the report, the Commissioner shall include in the notice the reasons for not so acting. ss.45.46(2).

After considering a notice under subsection (2), the Commission Chairman shall prepare and send to the Minister, the Commissioner and the parties a final report in writing setting out such findings and recommendations with respect to the complaint as the Commission Chairman sees fit. ss.45.46(3).

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

On making a decision after considering the matter in respect of which a complaint is made,

(a) the chief of police, in the case of a complaint under section 45, or

(b) the commission, in the case of a complaint under section 46,

shall in writing advise,

(c) in the case of a public complaint, the person against whom the complaint is made and the complainant,

(i) of the findings of the hearing and any action taken or to be taken under subsection (4), or

(ii) where a hearing is not held, of the disposition of the complaint and the grounds on which the disposition was made,

and of the right to appeal provided for under this Act, and

(d) in the case of a complaint other than a public complaint, the person against whom the complaint is made,

(i) of findings made and any action taken or to be taken in respect of the complaint, and

(ii) of the right of appeal provided for under this Act. ss.47(5).

If a complaint is made,

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

A disciplinary tribunal holding an inquiry respecting a complaint against a provincial constable shall, ..., not more than 10 days after it concludes the inquiry, submit its findings and recommendations to the complainant, the provincial constable against whom the complaint is made, the minister, the disciplinary authority and the complaint commissioner. ss.62(d).

The disciplinary tribunal shall, not more than 10 days after the date it makes its decision respecting a complaint against a municipal constable (subsection 63(1)), serve a notice of its decision on the complainant, the municipal constable against whom the complaint was made, the disciplinary authority and the complaint commissioner. ss.63(2).

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

As soon as practicable after the conclusion of the hearing, the provincial judge shall decide whether the respondent has committed a disciplinary default and shall deliver his or her decision

(a) to the parties; and

(b) where the respondent's Chief of Police and the Commissioner are not parties, to the respondent's Chief of Police and the Commissioner. ss.27(1), L.E.R.A.

At the request of a party or the minister, the provincial judge hearing the matter shall provide to the parties and to the minister written reasons for

(a) the decision on the merits of the complaint;

(b) any penalty ordered under section 28 (ordering of penalty). ss.27(3), L.E.R.A.

Where the board identifies any organizational or administrative practices of a police department which may have caused or contributed to an alleged disciplinary default, the board may recommend appropriate changes to the Chief of Police and to the municipal authority which governs the department. s.33, L.E.R.A.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

NEWFOUNDLAND

Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. F-17.

An order or recommendation of an adjudicator shall be made in writing, together with a statement of the reasons for the order or recommendation, and a copy shall be provided to the commissioner, the chief and all parties. ss.33(4).

The commissioner shall publish an order of an adjudicator and the reasons and recommendations of the adjudicator in whatever manner he or she considers advisable. s.38.

NOVA SCOTIA

Police Act, S.N.S. 1974, c.9, as amended.

The decision of the Review Board shall be in writing and provide reasons therefor, and shall be forwarded to persons entitled to be parties to the proceeding. ss.33(2).

ONTARIO

Police Services Act, 1990, R.S.O. 1990, c. P.15.

The board shall promptly give written notice of the decision with reasons, to the parties and the Attorney General. ss.97(4).

PRINCE EDWARD ISLAND

Police Act, S.P.E.I. 1974, c. P-9, as amended.

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended. (*)

Every decision of the ethics committee shall be in writing and state the reasons therefor. Within 10 days after it is rendered, it shall be served by the clerk on the parties and on the person who lodged the complaint under section 51, by registered or certified mail. s.132.

The decision of the ethics committee cannot be submitted to an arbitrator contemplated by Chapter IV of the Labour Code (R.S.Q., chapter C-27) or to an arbitration officer contemplated by Division III of the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14). s.134, para. 1.

Notwithstanding any contrary Act or agreement, the decision of the ethics committee becomes executory upon the expiry of the time allowed for appeal. s.134, para. 2.

SASKATCHEWAN

The Police Act, 1990, S.S. 1990, c. P-15.01.

A hearing officer, after making a decision with respect to a public complaint, shall give notice in writing to:

- (a) the person against whom the complaint is made;
- (b) the complainant;
- (c) the investigator; and
- (d) the chief or board, as the case may be;

of the findings of the hearing, any action taken pursuant to section 58 and of the rights of appeal provided for pursuant to this Act. ss.59(1).

Where a public complaint has been resolved pursuant to this Part and all time limits for appeal have expired with respect to that public complaint, the investigator, within 30 days, shall provide to the commission a report in the prescribed form regarding the resolution of that public complaint. ss.39(10).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(a) the commission, in the case of a complaint referred to in section 44, 45 or 46,

(b) the Commanding Officer, in the case of a complaint referred to in section 49, and

(c) the employer, in the case of a complaint referred to in section 50(1)(a),

shall, at the end of the month in which the complaint is made or within a longer period of time as prescribed by the Chairman of the Board, advise the Chairman of the complaint and, after the disposition of the complaint, advise the Chairman as to how the complaint was disposed of.
s.52.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
1988, c. 75, as amended.
(*)

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(D) APPEAL

Where a chief of police or another police officer in respect of whom a complaint is made feels himself aggrieved by the findings or any action taken against him under section 47(4), he may, within 30 days from the day he was advised under section 47(5) of the findings and any action taken, appeal the matter to the Board by filing with the secretary to the Board a written notice of appeal setting out the grounds on which the appeal is based. ss.48(1).

If a public complaint has been made, the complainant may, within 30 days from the day he was advised under section 47(5) of the determination of the complaint, appeal the matter to the Board by filing with the secretary to the Board a written notice of appeal setting out the grounds on which the appeal is based. ss.48(2).

If the Board is of the opinion that the actions of a police officer who is the subject of an appeal or an inquiry may constitute an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the Board shall refer the matter to the Attorney General. ss.17(2).

Notwithstanding that the actions of the police officer have been referred to the Attorney General under subsection 17(2), if the Board is of the opinion that those actions also

A complainant or municipal constable affected by a decision of a disciplinary tribunal may, not more than 30 days after the date he receives notice of the decision, serve on the commission a notice of application for leave to appeal all or part of the decision to the commission. ss.64(1).

The commission shall grant leave to appeal where, after considering the record, report and other information, and calling witnesses and hearing evidence it considers necessary, the commission has reasonable doubt of the thoroughness or fairness of the investigation by the disciplinary authority or the inquiry by the disciplinary tribunal, or believes the disciplinary action imposed is not comparable to disciplinary action imposed in respect of similar complaints. ss.64(4).

Where the commission grants leave to appeal, it shall serve a notice specifying the date and place of the appeal on the complainant, the municipal constable against whom the complaint was made, the disciplinary authority and the disciplinary tribunal, all of whom shall be parties to the appeal. ss.65(1).

An appeal shall be a new hearing at which the persons referred to in subsection 65(1) may, and

An appeal from a decision of provincial judge lies to the Court of Queen's Bench upon any question involving the jurisdiction of the provincial judge or upon any question of law alone. ss.31(1), L.E.R.A.

The appellant shall file a notice of appeal in writing within 30 days after the decision of the provincial judge, unless the court in the exercise of its discretion grants an extension of time for the appeal. ss.31(2), L.E.R.A.

Upon application, the Commissioner may be joined as a party to the appeal. ss.31(4), L.E.R.A.

At the written request of the Commissioner, the minister may appoint counsel to represent the complainant on the appeal. ss.31(5), L.E.R.A.

Where an order or determination is made by a police commission respecting the conduct of a member of a police force or any matter relating to the maintenance and operation of the police force, any person who is aggrieved by the order or determination or who is a party to any related inquiry or investigation may, within 30 days after the date of the order or determination, appeal the order or determination to a provincial judge. ss.26(5).

Any member of a police force who has been adjudged guilty of a minor or major violation of the code may appeal by serving, within thirty days after the date upon which the member was served with the notice of the decision, a notice of appeal upon the person or body so adjudging setting forth the grounds upon which the appeal is based. ss.30(1).

ARBITRATION BOARD

Where a notice of appeal is served in accordance with subsection (1) the appeal shall be determined by an arbitration board established in accordance with this section. ss.30(1.1).

The notice of appeal shall contain the name of a person appointed to the arbitration board by the party serving the notice. ss.30(1.11).

The party upon whom the notice of appeal is served shall, within five days after receiving the notice, appoint a member to the arbitration board and shall in writing advise the other party of the name of the person so appointed. ss.30(1.2).

If the party upon whom the notice of appeal is served fails to appoint a member to the arbitration board within the time limit allowed by subsection (1.2) the Minister shall, on the request of the party that served the notice of appeal, make the appointment. ss.30(1.3).

NEWFOUNDLAND

Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. R-17.

The complainant or the police officer who is the subject of the complaint may appeal an order or decision of the commissioner under subsection 22(5), 28(1) or of the adjudicator under section 33 by way of application to the Trial Division. ss.36(1)

An appeal shall not be made without leave of a judge of the Trial Division. ss.36(2).

An application for leave to appeal made under subsection (2) shall be made by way of originating application, without giving notice to other interested parties, within 15 days of the receipt by the appellant of the order of the adjudicator. ss.36(3).

An application made to the Trial Division shall be filed within 15 days of the date leave to appeal is granted. ss.36(4).

An application made under subsection (4) shall be served, together with all affidavits in support, on the commissioner and each party to the proceeding before the adjudicator at least 5 days before the return date. ss.36(5).

A judge of the Trial Division may confirm, reverse or vary the order of the adjudicator and may make an order that an adjudicator may make under section 33. ss.36(6).

NOVA SCOTIA

Police Act, S.N.S. 1974, c.9, as amended.

The decision of the Review Board shall be final. ss.33(3).

Where a decision of the Review Board awards costs against any party, the decision may be made an order of the county court and shall be enforced in like manner as any order or judgment of that court. ss.33(4).

ONTARIO

Police Services Act, 1990, R.S.O. 1990, c. P.15.

A party to a hearing before a board of inquiry may appeal to the Divisional Court within thirty days of receiving notice of the board's decision. ss.98(1).

An appeal may be made on a question that is not a question of fact alone, or from a penalty, or both. ss.98(2).

The Attorney General is entitled to be heard, by counsel or otherwise, on the argument of the appeal. ss.98(3).

PRINCE EDWARD ISLAND

Police Act, S.P.E.I. 1974, c. P-9, as amended.

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended.

(*)

An appeal may be brought before a judge of the court of Québec from every final decision of the ethics committee subsequent to the filing of a citation. However, where a penalty is to be imposed under the decision, the decision shall not be appealed from until the penalty has been imposed. s.133.

Within 20 days after notification of the decision of the ethics committee, the person who lodged the complaint under section 51 may transmit in writing to the commissioner his views as to the advisability of appealing from the decision. s.135.

Any person who is a party to proceedings before the ethics committee may bring an appeal from any final decision of the committee before a judge of the court of Québec. s.136.

An appeal is brought by filing a notice of appeal, within 30 days after the appellant receives the decision of the ethics committee, in the office of the Court of Québec in the judicial district where the ethics committee heard the matter in first instance. s.138, para. 1.

The notice of appeal shall contain a statement of the grounds for the appeal and be accompanied with a copy of the decision rendered by the ethics committee. s. 138, para. 2.

SASKATCHEWAN

The Police Act, 1990, S.S. 1990, c. P-15.01.

Within 30 days after the day on which a member, chief, board or complainant is given notice of a decision of a hearing officer pursuant to section 58, the member, chief, board or complainant may apply to the commission for permission to appeal that decision to the commission pursuant to section 69. ss.59(3).

Subject to any right of appeal to the commission under this Act, every decision or order of the hearing officer is final, and no order, decision or proceeding of the hearing officer shall be questioned, reviewed, restrained or removed by prohibition, injunction, certiorari, mandamus or any other process or proceeding in any court. s.62.

Where a chief is dismissed pursuant to clause (1)(a), the chief may apply to the commission within 30 days of the dismissal for permission to appeal the decision of the board to the commission pursuant to section 69. ss.68(2).

A person entitled to apply to the commission for permission to appeal shall serve on the commission a notice of application for permission to appeal all or part of the decision to the commission. ss.69(1).

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

constitute a contravention of the regulations governing the discipline or the performance of duty of police officers, the matter, as it relates to that contravention, may be proceeded with by the Board unless the Attorney General directs otherwise. ss.17(3).

The provisions for the conduct of inquiries and appeals before the Board with respect to notice, compellability of witnesses, and production of documents are contained in paragraphs 20(1)(a)(b)(c)(d).

An appeal or an inquiry shall be held in public. para. 20(1)(L)

Notwithstanding clause (l), an appeal or an inquiry, or any portion of it, may be held in private if in the opinion of the Board it is in the public interest to do so. para. 20(1)(m).

A person who is likely to be affected by an appeal or an inquiry is entitled

(i) subject to clause (p), to appear before the Board,

(ii) to make representations to the Board, and

(iii) to be represented by a lawyer or an agent. para. 20(1)(n).

Notwithstanding clause (n), in conducting an appeal the Board may with the consent of the parties to the proceeding decline to hold a hearing in respect of the appeal and base its decision on

shall if required by the commission, give evidence viva voce. ss.65(2).

After holding an inquiry respecting a complaint against a municipal constable, the commission shall

(a) approve, or approve subject to the terms it specifies, the disciplinary action intended to be taken by the disciplinary authority or disciplinary tribunal,

(b) reject the disciplinary action intended to be taken by the disciplinary authority or disciplinary tribunal and order that the disciplinary authority take such disciplinary action as the commission may specify, or

(c) make an order it considers appropriate in the circumstances. ss.65(3).

The hearing of an appeal under this section shall be open to the public. ss.65(4).

A decision or order of the commission under subsection (3) is final and binding. ss.65(5).

For the purposes of this section, "disciplinary action" includes a decision not to take disciplinary action. ss.65(6).

An appeal under subsection (5) shall be commenced by filing a notice of appeal with the Deputy Minister of Justice who shall, on receipt of the notice of appeal, direct a provincial judge to hear the matter. ss.26(5.1).

A provincial judge acts as persona designata and not as a court when hearing an appeal under this section. ss.26(5.2)

An appeal shall be a public hearing de novo and the parties may be represented by council and may examine or cross-examine any witnesses. ss.26(6).

The public or any member thereof may be excluded from the hearing, or any part of the hearing, of an appeal under subsection (5) if the maintenance of order or the proper administration of justice so requires. ss.26(7).

After hearing an appeal, the provincial judge may

(a) dismiss the appeal and confirm the order or determination;

(b) substitute any order or determination that in the opinion of the provincial judge should have been made; or

(c) make any findings of facts that in the opinion of the provincial judge should have been made and refer

The Minister shall establish and maintain a list of persons who are members in good standing of the Law Society of New Brunswick or who are members or former members of the judiciary and who have indicated a willingness to act as a chairperson of an arbitration board in relation to an appeal under this section. ss.30(1.4).

Within five days after the appointment made under subsection (1.2) or (1.3), the two members appointed to the arbitration board shall appoint from the list established and maintained under subsection (1.4) a third member to the arbitration board who shall be the chairperson. ss.30(1.5).

If the two members appointed to the arbitration board fail to appoint a chairperson to the arbitration board within the limit allowed by subsection (1.5) the Minister shall, on the request of either party, make the appointment from the list established and maintained under subsection (1.4). ss.30(1.6).

Notwithstanding any other provision of this section, the parties may, within five days after the notice of appeal referred to in subsection (1) is served, agree that the arbitration board shall consist of a single arbitrator. ss.30(1.7).

NEWFOUNDLAND

Royal Newfoundland Constabulary Act, 1992, S.N. 1992, c. R-17.

Commencement of an appeal under this section does not operate as a stay of proceedings of the order of an adjudicator unless a judge of the Trial Division otherwise orders. ss.36(7).

The commissioner shall provide to a judge on the hearing of an appeal all papers and documents in his or her possession which may affect the matter being appealed. ss.36(8).

The commissioner or a person employed in the administration of this Act shall not be required to give evidence or produce records obtained in the course of an investigation under this Act in a proceeding, except

(a) to an adjudicator appointed under this Part to deal with a matter to which that information is relevant; or

(b) in an appeal under Section 36. s.37.

A notice or other document required to be given or sent under this Part shall be considered to be received

(a) if delivered personally; or

(b) 7 clear days after being sent by 1st class mail to the person at that person's last known place of residence. s.40.

NOVA SCOTIA

Police Act, S.N.S. 1974, c.9, as amended.

ONTARIO

Police Services Act, 1990, R.S.O. 1990, c. P.15.

PRINCE EDWARD ISLAND

Police Act, S.P.E.I. 1974, c. P-9, as amended.

QUEBEC

An Act respecting police organization and amending the Police Act and various legislation, S.Q. 1988, c. 75, as amended. (*)

The notice of appeal shall be served, within the time limit fixed in section 138, on the parties, the ethics committee and the person who lodged the complaint. Service may be made by registered or certified mail. s.139.

The appeal suspends the execution of the decision. s.141.

The appeal shall be heard and decided by preference. s.142.

Subject to any new relevant and useful evidence the judge may admit, he shall render his decision on the basis of the record transmitted to the Court, after allowing the parties to be heard. s.143.

The judge has all the necessary powers for the exercise of his jurisdiction. He may, in particular, render any order he deems expedient for the protection of the rights of the parties. s.144.

Section 53 and 124, the second paragraph of section 129 and sections 131 and 132, adapted as required, apply to appeals heard pursuant to this chapter. s.145.

SASKATCHEWAN

The Police Act, 1990, S.S. 1990, c. P-15.01.

The investigator may apply to the commission for permission to appeal a decision pursuant to this Part and, where the investigator applies, this section applies to that application. ss.69(2).

An application for permission to appeal is to:

(a) be in writing;

(b) be in the form prescribed in the regulations; and

(c) set out the reasons for requesting an appeal. ss.69(3).

The commission shall grant permission to appeal where:

(a) the investigator seeks permission to appeal on the investigator's own behalf or on behalf of a complainant;

(b) the decision affecting the member or chief seeking an appeal imposes:

(i) dismissal; or

(ii) a demotion in rank;

(c) after considering:

(i) the notice of application;

(ii) the record; and

(iii) any other

information the commission considers necessary;

the commission has concerns regarding the thoroughness or fairness of the investigation or hearing;

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
 c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
 P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
 c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
 P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
 c. P-9.2, as amended.

(i) the record of the proceeding being appealed from, and

(ii) the written submissions of the parties to the appeal. para. 20(1)(p).

Where the Board concludes an appeal

(a) in the case of an appeal commenced under section 48 from a matter in respect of which a hearing was held, the Board may

- (i) allow the appeal,
- (ii) dismiss the appeal,
- (iii) vary the decision being appealed,

(iv) direct that the matter, subject to any directions that the Board may give, be reheard under section 45 or 46, as the case may be,

(v) affirm or vary the punishment imposed, or

(vi) take any other action that the Board considers proper in the circumstances,

and

(b) in the case of an appeal commenced under section 48 from a matter in respect of which a hearing has not been held, the Board may

- (i) affirm the decision made under section 47,
- (ii) direct that a hearing be conducted under section 45(3) or 46(4), as the case may be,

the matter back to the police commission for a determination based on those facts;

(d) and award costs in the matter as the provincial judge considers reasonable. ss.26(9).

If the parties agree that the arbitration board shall consist of a single arbitrator the parties shall, within five days after the expiry of the five day period referred to in subsection (1.7), appoint the single arbitrator from the list established and maintained under subsection (1.4). ss.30(1.8).

If the parties fail within the time limit referred to in subsection (1.8) to appoint the single arbitrator, the Minister shall, on the request of either party, make the appointment from the list established and maintained under subsection (1.4). ss.30(1.9).

The party upon whom the notice of appeal is served shall immediately upon the establishment of the arbitration board forward to the arbitration board a copy of the complaint, a transcript of the proceedings, if any, exhibits, if any, and the particulars of and the reasons for the finding and the punishment. ss.30(3).

The arbitration board

(a) shall decide the appeal on the record and may, where it considers necessary, consider additional evidence, or

(b) shall conduct a new hearing where, in its opinion, the record is insufficient to conduct a proper appeal. ss.30(4).

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

Where, under this Act, personal service of a notice or other document upon a police officer or former police officer has been attempted and not effected, that notice may be served upon a member of the executive of the association and that service shall be considered to be service upon the person intended to be served. ss.42(3).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

The judge may confirm the decision submitted to him; conversely, he may quash the decision and render the decision which, in his judgment, should have been rendered in the first instance. s.145.

The decision of the judge is final and without appeal and cannot be submitted to an arbitrator contemplated by Chapter IV of the Labour Code or to an arbitration officer contemplated by Division III of the Act respecting the Syndical Plan of the Sûreté du Québec. It is executory notwithstanding any contrary Act or agreement. s.147.

The judge may revise or revoke any decision he has made where a new fact is discovered which, if it had been known in due time, might have justified a different decision. s.148.

The Court of Québec may, in the manner set out in the Courts of Justice Act (R.S.Q., chapter T-16), adopt such rules of evidence, procedure and practice as are necessary for the carrying out of this chapter. s.149

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

(d) in the opinion of the commission, the disciplinary action imposed may not be comparable to disciplinary action imposed with respect to similar proceedings; or

(e) there are any other grounds that the commission considers appropriate. ss.69(4).

An application for permission to appeal may be heard and disposed of pursuant to this section by the chairperson of the commission or by a commissioner designated by the chairperson for that purpose. ss.69(5).

An appeal to the commission pursuant to this section shall proceed on the basis of the record unless the commission orders otherwise. ss.70(1).

The commission shall cause all proceedings on an appeal pursuant to this section to be recorded. ss.70(2).

An appeal pursuant to this section is to be open to the public unless the commission orders otherwise. ss.70(3).

An appeal to the commission pursuant to this Part is to be proceeded with in accordance with this Act and the regulations. ss.70(4)

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(iii) direct

(A) the chief of police, in the case of a complaint made in respect of a police officer, or

(B) the commission, in the case of a complaint made in respect of the chief of police,

to lay a charge under the regulations governing the discipline or the performance of duty of police officers,

(iv) direct

(A) the chief of police, in the case of a complaint made in respect of a police officer, or

(B) the commission, in the case of a complaint made in respect of the chief of police,

to have the matter investigated again, or

(v) take any other action that the Board considers proper in the circumstances. ss.20(2).

When the Board conducts an appeal or an inquiry the following shall be informed in writing of the findings of the Board:

(a) the appellant, in the case of an appeal commenced under section 48(1);

(b) the complainant and the police officer against whom the complaint is made, in the case of an appeal commenced under section 48(2);

(c) the commission;

On an appeal on the record under this section with respect to any finding or to the sanction imposed or to both, the arbitration board may

(a) dismiss the appeal;

(b) allow the appeal in whole or in part and may vary the decision or sanction or both; or

(c) refer the matter back to the police officer authorized by the chief of police to conduct the hearing, the chief of police, board, council or Minister, as the case may be, with directions. ss.30(5).

Where the arbitration board holds a hearing pursuant to paragraph (4)(b) and adjudges that the person in respect of whom the hearing was conducted is guilty of a major violation of the code, the arbitration board may impose a sanction in accordance with subsection 26(9) and shall convey to that person the reasons for its decision. ss.30(6).

Re: minor violation; ss.30(7).

The decision of a majority is the decision of the arbitration board, but, if there is no majority, the decision of the chairperson shall be the decision of the arbitration board. ss.30(8).

The decision of the arbitration board shall be final and binding upon the parties. ss.30(9).

NEWFOUNDLAND

Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA

Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO

Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND

Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC

An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
1988, c. 75, as amended.
(*)

SASKATCHEWAN

The Police Act, 1990,
S.S. 1990, c. P-15.01.

Subject to subsection (7),
not less than three com-
missioners shall hear an
appeal. ss.70(5).

A decision of the majority
of the commissioners
hearing an appeal is the
decision of the commis-
sion. ss.70(6).

Where all parties involved
in an appeal agree, the
appeal may be heard by
one commissioner and,
in that case, the decision
of that commissioner is the
decision of the commis-
sion. ss.70(7).

No evidence given by a
chief, member or civilian
member during an appeal
pursuant to this section is
to be used or received
against him or her in any
civil proceedings or in any
proceedings under any
other Act if it tends to incriminate
him or her, subject
him or her to punishment
or establish his or her
liability. ss.70(8).

All evidence heard before
the commission or a com-
missioner shall be taken
under oath or affirmation.
ss.70(9).

Where through the
absence, illness, death or
resignation of one or more
commissioners, or for any
other reason, one or more
of the commissioners are
not available, the
chairperson of the com-
mission may request that

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
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ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(d) the Solicitor General.
 ss.20(3).

If the Board is of the opinion that a party to an appeal or an inquiry has acted in a frivolous or vexatious manner, the Board may

(a) award costs against that party in an amount considered appropriate by the Board, and

(b) direct that the costs referred to in clause (a) be paid

(i) to any other party to the appeal or inquiry,

(ii) to the Crown in right of Alberta, or

(iii) partly to any other party to the appeal or inquiry and partly to the Crown in right of Alberta.
 ss.20(4).

The decision of the Board in respect of a matter appealed to it under section 48 may,

(a) within 30 days from the day that the Board gives its decision, and

(b) with the leave of the Court of Appeal,

be appealed to the Court of Appeal on a question of law. s.18.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
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organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
The Police Act, 1990,
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that a hearing officer who has had no previous involvement with the matter sit as a commissioner and take part in the hearing and decision of any appeal before the commission. ss.70(10).

A hearing officer who takes part in a hearing and decision of an appeal before the commission pursuant to subsection (10) has all the powers, duties and rights of a commissioner in a hearing and decision of an appeal. ss.70(11).

A hearing or appeal conducted pursuant to this Part is to be prosecuted:

(a) by the chief who or board which brought the charge or allegation of unsuitability or incompetence against the member or chief; or

(b) by the individual designated by the chief or board to conduct the prosecution on their behalf. s.74.

On hearing an appeal pursuant to section 70, the commission may:

(a) adjourn the appeal from time to time;

(b) dismiss the appeal;

(c) allow the appeal;

(d) vary the decision or order;

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P.9.2, as amended.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
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PRINCE EDWARD
ISLAND
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 c. P-9, as amended.

QUEBEC
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organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

SASKATCHEWAN
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(e) order a new hearing
 by the hearing officer.
 ss.71(1).

Without limiting the gener-
 ality of subsection (1),
 where a member has been
 dismissed, the commission
 may order that the mem-
 ber be reinstated.
 ss.71(2).

Without limiting the gener-
 ality of subsection (1),
 where a chief has been
 dismissed for a contraven-
 tion of the regulations
 governing discipline, the
 commission may order
 that the chief be rein-
 stated. ss.71(3).

Where a chief has been
 dismissed pursuant to
 section 68 the commis-
 sion, where it considers
 the dismissal to have been
 unjust, may reinstate the
 chief or award damages
 for unjust dismissal.
 ss.71(4).

A decision of the commis-
 sion to award damages for
 unjust dismissal, within 30
 days of that decision, may
 be appealed by the chief
 or board to Her Majesty's
 Court of Queen's Bench
 for Saskatchewan.
 ss.71(5).

Subject to subsection
 71(5), every decision or
 order of the commission is
 final, and no order, deci-
 sion or proceeding of the
 commission shall be
 questioned or reviewed,
 restrained or removed by

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

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prohibition, injunction,
 certiorari, mandamus or
 any other process or pro-
 ceeding in any court.
 s.72.

Subject to any appeal,
 every member, chief,
 board or investigator that
 is subject to an order or
 decision of the hearing
 officer or the commission
 shall comply with that
 order or decision, as the
 case may be. s.73.

No action lies or shall be
 instituted against the min-
 ister, the department, the
 commission, a commis-
 sioner, a hearing officer,
 the investigator or any
 person employed or
 engaged by the commis-
 sion or the investigator,
 where the minister, depart-
 ment, commission, com-
 missioner, hearing officer,
 investigator or person is
 acting pursuant to the
 authority of this Act, the
 regulations or an order
 made pursuant to this Act,
 for any loss or damage
 suffered by any person by
 reason of anything in good
 faith done, caused, per-
 mitted or authorized to be
 done, attempted to be
 done or omitted to be
 done, by any of them,
 pursuant to or in the exer-
 cise of or supposed exer-
 cise of any power con-
 ferred by this Act or the
 regulations or in the carry-
 ing out or supposed carry-
 ing out of any order made
 pursuant to this Act or any
 duty imposed by this Act
 or the regulations. s.10.

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
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P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(E) OFFENCE

Every persons who

(a) on being duly summoned as a witness or otherwise under Part, ..., VII, makes default in attending,

(b) being in attendance as a witness in any proceeding under Part, ..., VII

(i) refuses to take an oath or solemn affirmation required of that person,

(ii) refuses to produce any document or thing under that person's control and required to be produced by that person, or

(iii) refuses to answer any question that requires an answer,

(c) at any proceeding under Part, ..., VII uses insulting or threatening language or causes any interference or disturbance, or

(d) prints observations or uses words likely to influence improperly, ..., the Commission under Part VII, or witnesses at any proceeding under Part, ..., VII or to bring any such proceeding into disrepute, or in any other manner whatever displays contempt of any such proceeding,

is guilty of an offence punishable on summary conviction. s.50.

Every person who is convicted of an offence under this Part is liable to a fine

Every person who, without lawful excuse,

(a) fails to comply with an order or decision of the Commissioner or a provincial judge; or

(b) contravenes section 25 (ban on publication);

is guilty of an offence and is liable on summary conviction to a fine of not more than \$2,000, and in default thereof to imprisonment for a term not exceeding three months or to both such fine and such imprisonment. s.42,
L.E.R.A.

Where a member has been charged with a criminal offence, there shall be no investigation, hearing or disciplinary action under this Act in respect of the conduct which constitutes the alleged criminal offence unless a stay of proceedings is entered on the charge or the charge is otherwise not disposed of on its merits. s.34,
L.E.R.A.

Where a matter before the Commissioner or a provincial judge discloses evidence that a member may have committed a criminal offence, the Commissioner or the provincial judge shall report the possible criminal offence to the Attorney-General and shall forward all relevant material, except privileged material, to the Attorney-General for

Where so authorized under this Act, the Commission, the Minister, an arbitration board established in accordance with this Act, a board, a council, a chief of police or a police officer authorized by a chief of police to conduct a hearing may, in conducting a hearing, find a person who

(a) fails or refuses to attend as required by summons,

(b) refuses to be sworn as a witness,

(c) omits or refuses without just cause to answer any relevant question or to produce any book, paper or document in his custody or control, or

(d) disrupts or otherwise obstructs the hearing,

to be in contempt, and may certify the contempt to The Court of Queen's Bench of New Brunswick or a Judge thereof, whereupon the Court may summon the person found to be in contempt, may inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of the person found in contempt, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person as if he had been guilty of contempt of the Court or suspend punishment on condition that the person attends,

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

A person who

(a) does anything prohibited by, or refuses or neglects to do anything required under, this Act;

(b) deprives, abridges or attempts to deprive, abridge or restrict a person or class of persons in the enjoyment of a right under this Act;

(c) makes a false statement or answer to a question put to him or her under this Act;

(d) hinders, obstructs, molests or interferes with or attempts to hinder, obstruct, molest or interfere with the commissioner, a person acting under the authority of the commissioner, an adjudicator or anyone else acting under the authority of this Act in the exercise of their duties or powers under this Act; or

(e) fails or refuses to comply with an order or part of an order of an adjudicator,

commits an offence and is liable on summary conviction to

(f) for the 1st offence, a fine of not more than \$2,000 or to imprisonment for not more than 3 months or to both a fine and imprisonment; and

(g) for each subsequent offence, a fine of not more than \$4,000 or to imprisonment of not more than 6 months or to both a fine and imprisonment. ss.62(1).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

Every person who violates any provision of this Act or any provision of any regulations made pursuant to this Act or any oath taken pursuant to this Act shall be guilty of an offence and liable on conviction to the penalties provided by the Summary Proceedings Act, s.47.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

A person who contravenes subsection 96(4) (photography at hearing), 100(6) (obstructing Commissioner) or 108(2) (confidentiality) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000. s.111.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
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organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.
 (*)

No person may hinder, in any manner whatever, the commissioner or any person acting as an investigator for the purposes of this division, deceive him through concealment or by making a false declaration, refuse to furnish him with information or a document relating to the complaint he is investigating, refuse to allow him to make a copy of such a document, or conceal or destroy such a document. s.85.

Every person who, by performing or omitting to perform an act, infringes an order to hold a hearing in camera or an order banning publication or release is guilty of contempt of court. s.124, para. 3.

Every person who contravenes any provision of section 85 or 177 is liable, in addition to costs, to a fine of \$200. to \$2,000. and, for any subsequent offence within two years of conviction for the same offence, to a fine of \$400. to \$4,000. s.191.

Every person who, through encouragement or advice or by means of an order, leads another person to commit an offence is guilty of the offence, and of any other offence the other person commits as a result of his encouragement, advice or order, as if

FEDERAL
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of not more than five hundred dollars or to imprisonment for a term of not more than six months or to both. s.51.

Proceedings in respect of an offence under this Part may be instituted at any time within but not later than two years after the time when the subject-matter of the proceedings arose. s.52.

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

the possible laying of charges. ss.35(1), L.E.R.A.

If the Attorney General charges the member with a criminal offence, there shall be no further investigation, hearing or disciplinary action under this Act in respect of the conduct which constitutes the alleged criminal offence unless a stay of proceedings is entered on the charge or the charge is otherwise not disposed of on its merits. ss.35(2), L.E.R.A.

Where a member who testifies before a provincial judge is subsequently charged with a criminal offence, the member shall be conclusively deemed to have objected to answering every question put to him before the provincial judge on the ground that his statement or his answer may tend to criminate him or to establish his liability to a legal proceeding at the instance of the Crown or of any person. ss.35(3), L.E.R.A.

No investigation, hearing, or disciplinary action under this Act precludes the subsequent prosecution of any member for an offence. s.36, L.E.R.A.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

testifies or produces as required. s.34.

Any person who violates any provision of this Act commits an offence and is liable on summary conviction to a fine of one hundred dollars and in default of payment is liable to imprisonment in accordance with subsection 31(3) of the Summary Convictions Act. s.34.1.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

An association which contravenes this Act commits an offence and is liable on summary conviction for the 1st offence,

(a) to a fine of not more than \$20,000; and

(b) for each subsequent offence a fine of not more than \$25,000,

and each day that the offence continues shall be considered to be a separate offence. ss.62(2).

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
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 (*)

he had committed it himself, if he knew or should have known that his encouragement, advice or order would probably result in the commission of the offence. s.193.

Every person who, by his act or omission, aids another person to commit an offence is guilty of the offence as if he had committed it himself, if he knew or should have known that his act or omission would probably result in aiding to commit the offence. s.194.

Where a corporation commits an offence under this Act, every director, employee or representative of the corporation who ordered, recommended or consented to the commission of the offence is a party to the offence and liable to the penalty prescribed for it. s.195.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

CONCORDANCE TABLE FOR THE RCMP ACT AND PROVINCIAL STATUTES

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| | FEDERAL <u>Royal Canadian Mounted Police Act</u> , R.S.C. 1985, c.8 (2nd Supp.) | ALBERTA <u>Police Act</u> , S.A. 1988, c. P-12.01. | BRITISH COLUMBIA <u>Police Act</u> , S.B.C. 1988, c. 53. | MANITOBA The Provincial Police Act, C.C.S.M. 1987, c. P 150 (**) | NEW BRUNSWICK <u>Police Act</u> , S.N.B. 1977, c. P.92, as amended |
|--------------------------------|---|--|--|---|--|
| COMPOSITION OF COMMISSIONS | ss.45.29(1) ss.45.29(2) ss.45.29(6) | ss.9(1) ss.9(2) | ss.39(1) ss.39(2) ss.40(8) | | ss.18(1) ss.18(2) ss.18(3) ss.18(4) |
| (A) CHAIRMAN | ss.45.29(3) ss.45.3(1) ss.45.3(3) | ss.10(1) | ss.40(1) | | |
| (B) VACANCIES ON COMMISSION | ss.45.3(2) ss.45.29(7) ss.45.29(8) | ss.10(2) ss.11(1) | ss.40(2) | | ss.18(2.1) |
| (C) TENURE OF OFFICE | ss.45.29(4) ss.45.29(5) | ss.9(3) | ss.39(1) | | ss.18(1) ss.18(8) |

* Unofficial translation included in this table are the pertinent provisions.

** Also included in this table are the pertinent provisions of The Law Enforcement Review Act which are followed by the abbreviation L.E.R.A.

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ing the Police Act and
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 (*)

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 ss.4(3)

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s.4

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| | <u>FEDERAL</u> Royal Canadian Mounted Police Act, R.S.C. 1985, c.8 (2nd Supp.) | <u>ALBERTA</u> Police Act, S.A. 1988, c. P-12.01. | <u>BRITISH COLUMBIA</u> Police Act, S.B.C. 1988, c. 53. | <u>MANITOBA</u> The Provincial Police Act, C.C.S.M. 1987, c. P.150. | <u>NEW BRUNSWICK</u> Police Act, S.N.B. 1977, c. P-9.2, as amended. |
|---------------------------------------|---|---|---|--|---|
| <u>FUNCTIONS OF COM- MISSIONS</u> | s.45.32 s.45.33 | ss.17(1) | s.42 s.43 s.44 s.45 ss.46(1) | ss.25(1) | s.20 ss.22(4) para.35.1(b) |

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 S.N. 1992, c. R-17.

ss.6(1)

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

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ing the Police Act and
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 ss.89(3)
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| | <u>FEDERAL</u> <u>Royal Canadian Mounted</u> <u>Police Act, R.S.C. 1985,</u> <u>c.8 (2nd Supp.)</u> | <u>ALBERTA</u> <u>Police Act, S.A. 1988, c.</u> <u>P-12.01.</u> | <u>BRITISH COLUMBIA</u> <u>Police Act, S.B.C. 1988,</u> <u>c. 53.</u> | <u>MANITOBA</u> <u>The Provincial Police</u> <u>Act, C.C.S.M. 1987, c.</u> <u>P.150.</u> | <u>NEW BRUNSWICK</u> <u>Police Act, S.N.B. 1977,</u> <u>c. P-9.2, as amended.</u> |
|--|--|--|---|--|--|
| <u>ANNUAL REPORTING</u> <u>REQUIREMENTS</u> | s.45.34 | s.14 | s.48 | | ss.24(1) ss.24(3) |
| <u>ROLE OF THE MINIS-</u> <u>TER, OF THE GOV-</u> <u>ERNOR IN COUNCIL</u> <u>AND OF THE LIEUTEN-</u> <u>ANT-GOVERNOR IN</u> <u>COUNCIL (OTHER FUNC-</u> <u>TIONS OF THE MINIS-</u> <u>TER, OF THE GOV-</u> <u>ERNOR IN COUNCIL</u> <u>AND OF THE LIEUTEN-</u> <u>ANT-GOVERNOR IN</u> <u>COUNCIL SPECIFIC TO</u> <u>OTHER TOPICS DEALT</u> <u>WITH IN THIS TABLE</u> <u>ARE INCLUDED THERE-</u> <u>IN)</u> | | ss.2(1) ss.2(2) ss.5(1) ss.62(2) s.15 ss.30(1)(2) ss.33(1) ss.42(1)(4)(5) ss.54(2) ss.56(1) ss.61(1) ss.62(1) | s.2 ss.4(1) ss.6(2) ss.6(3) ss.7(1) ss.8(1) ss.9(1) ss.11(1) ss.11(2) s.12 s.13 ss.17(2) ss.38(2) para. 46(1)(a) ss.70(2) ss.70(3) s.74 | ss.1.1(1) ss.1.1(2) s.2 ss.3(2) ss.4(3) ss.8(2) ss.9(1) ss.13(1) ss.25(1) ss.2(1), <u>The Law Enforce-</u> <u>ment Review Act,</u> <u>C.C.S.M. 1987, L. 75, as</u> <u>amended, (hereafter</u> <u>referred to as L.E.R.A.).</u> s.5, <u>L.E.R.A.</u> ss.31, <u>L.E.R.A.</u> ss.35(1), <u>L.E.R.A.</u> | ss.1.1(1) ss.1.1(2) ss.1.1(3) ss.3(3) ss.5(1) ss.6(1) para. 7(9)(a) ss.17.1(3) ss.26(7) ss.29(7) s.38 para.35.1(1)(a) |

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para. 6(1)(c)
 ss.6(2)

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Police Act, S.N.S. 1974,
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Police Services Act,
 1990, R.S.O. 1990, c.
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 s.74
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PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

ss.2(2)
 s.6
 s.7
 s.14

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.

s.31
 s.49
 ss.32,50

s.272
 s.24, para.1
 s.20
 s.35, para.1
 s.169, para.2
 s.169, para.3
 s.172
 s.174
 s.175
 s.179
 s.181
 s.182
 s.183, para.1
 s.185
 s.187
 s.188
 s.259

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

s.15

s.18
 para.2(m)
 s.94
 s.20
 ss.24(1)
 ss.24(2)
 ss.28(1)
 s.57
 ss.76(1)
 ss.76(3)
 ss.76(4)
 ss.76(5)
 ss.80(2)
 s.95

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

COMPOSITION OF MUNI-
CIPAL POLICE COMMISS-
SIONS

(A) ESTABLISHMENT

ss.28(1)
 ss.28(2)

ss.23(1)
 ss.23(2)
 ss.18(1)
 ss.18(3)

LOCAL POLICE COM-
MITTEES

ss.31(1)

ss.26(1)

ss.7(1)
 ss.7(15)

REGIONAL BOARD OF
POLICE COMMISSION-
ERS (JOINT BOARDS)

ss.17.1(1)
 para.17.1(2)(a)

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

s.11

ss.19(1)

ss.27(1)
 ss.27(2)

JOINT BOARDS

ss.33(1)

ss.27(1)
 ss.27(2)
 ss.27(3)

REGIONAL POLICE BOARD

ss.29(1)

| | <u>FEDERAL</u> Royal Canadian Mounted Police Act, R.S.C. 1985, c.8 (2nd Supp.) | <u>ALBERTA</u> Police Act, S.A. 1988, c. P-12.01. | <u>BRITISH COLUMBIA</u> Police Act, S.B.C. 1988, c. 53. | <u>MANITOBA</u> The Provincial Police Act, C.C.S.M. 1987, c. P.150. | <u>NEW BRUNSWICK</u> Police Act, S.N.B. 1977, c. P-9.2, as amended. |
|---------------------------------|---|---|---|--|---|
| (B) <u>COMPOSITION</u> | | ss.28(3) ss.28(4) | ss.23(1) ss.24(1) | | ss.7(4) ss.7(7) ss.7(8); ss.17.2(7) |
| | | | <u>LOCAL POLICE COM- MITTEES</u> | | <u>JOINT BOARDS</u> |
| | | | ss.31(1) ss.31(3) | | para. 17.1(2)(d) ss.17.2(6) |
| (I) <u>CHAIRMAN</u> | | ss.28(9) ss.28(10) | ss.25(1) ss.25(2) | | ss.7(5) |
| | | | <u>LOCAL POLICE COM- MITTEES</u> | | <u>JOINT BOARDS</u> |
| | | | ss.32(1) ss.32(2) | | para. 17.1(2)(h) |
| (C) <u>TENURE OF OFFICE</u> | | ss.28(6) ss.28(7) ss.28(8) ss.28(11) | ss.24(2) | <u>LOCAL POLICE COM- MITTEE</u> | ss.7(6); ss.17.2(5) ss.7(9); ss.17.2(8) |
| | | | ss.31(2) | | |

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

ss.19(2)
 ss.19(5)

ss.27(4)
 ss.27(5)
 ss.27(6)
 ss.27(7)
 ss.27(8)
 ss.27(9)
 ss.27(13)
 ss.27(14)
 ss.27(15)
 ss.27(10)
 ss.27(11)

JOINT BOARDS

ss.33(3)
 ss.33(4)

ss.19(4)

s.28

ss.27(4)
 ss.27(9)
 ss.27(10)
 ss.27(11)
 ss.27(12)

REGIONAL POLICE
BOARD

ss.29(4)

ss.27(8)

ss.27(5)
 ss.27(6)
 ss.27(7)

REGIONAL POLICE
BOARD

ss.29(2)

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

(D) FUNCTIONS

ss.29(1)
 ss.31(1)
 ss.31(2)
 ss.31(3)
 ss.31(4)

ss.26(1)
 ss.26(5)
 ss.27(1)
 s.28
 s.29
 ss.35(1)
 para.36(1)(a)
 ss.37(1)

ss.26(2)
 ss.26(4)

ss.7(2)
 ss.10(4); ss.17.4(1)
 ss.7(3)
 ss.7(11)
 ss.7(13); ss.17.2(12)
 ss.10(1); ss.17.3(1)
 ss.13(1)

JOINT BOARDS

ss.17.2(1)
 ss.17.2(3)
 ss.17.2(10)
 ss.17.2(10.1)
 ss.17.4(3)
 ss.17.4(4)

LOCAL POLICE COM-
MITTEE

s.33

(E) INQUIRIES

ss.32(1)
 ss.32(4)
 ss.32(5)
 ss.32(8)
 ss.32(9)
 ss.32(10)
 ss.32(11)
 ss.32(12)
 ss.32(13)

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

ss.19(12)
 ss.20(2)
 ss.21(1)(2)
 ss.20(1)

s.30
 s.31
 s.34
 ss.35(1)
 ss.35(2)
 ss.35(3)
 s.37
 ss.39(1)
 ss.40(1)
 ss.50(1)
 ss.50(2)
 ss.52(1)
 ss.52(2)
 ss.53(1)
 ss.53(6)

ss.27(14)
 s.31
 s.32
 ss.33(1)
 ss.33(6)
 ss.35(1)

REGIONAL POLICE
BOARD

ss.29(5)
 s.30
 ss.49(1)

ss.88(1)
 ss.88(2)
 ss.88(3)
 ss.88(4)
 ss.88(5)
 ss.88(6)
 ss.88(7)
 s.90
 s.91

| | <u>FEDERAL</u> Royal Canadian Mounted Police Act, R.S.C. 1985, c.8 (2nd Supp.) | <u>ALBERTA</u> Police Act, S.A. 1988, c. P-12.01. | <u>BRITISH COLUMBIA</u> Police Act, S.B.C. 1988, c. 53. | <u>MANITOBA</u> The Provincial Police Act, C.C.S.M. 1987, c. P.150. | <u>NEW BRUNSWICK</u> Police Act, S.N.B. 1977, c. P-9.2, as amended. |
|---|---|---|---|--|---|
| <u>PROVISIONS CONCERN- ING THE R.C.M.P. IN PROVINCIAL LEGIS- LATION</u> | | | | | |
| (A) <u>POLICING THE PROVINCE</u> | | ss.21(2) | ss.14(1) ss.14(2) | s.15 | ss.2(1) ss.2(2) |
| (B) <u>POLICING MUNICI- PALITIES</u> | | para.22(3)(a) | para.3(2)(b) | s.16 | para.4(a)(b) |
| (C) <u>ADMINISTRATIVE MATTERS</u> | | ss.2(2) ss.21(3) para.62(1)(d) | subpara.42(1)(c)(i)(ii)(iii) subpara.42(1)(g)(i) | | ss.1.1(1) ss.1.1(2) ss.1.1(3) ss.24(1) para.38(f) |
| (D) <u>LIABILITY FOR VIO- LATIONS OF PRO- VINCIAL STATUTES</u> | | | | | ss.3(4) |

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
c.9, as amended.

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
1988, c. 75, as amended.

SASKATCHEWAN
The Police Act, 1990,
S.S. 1990, c. P-15.01.

Agreement for Policing the
Province Act (A.P.P.A.),
R.S.N. 1990, c. A-5, s.2

ss.11(1)
 ss.11(3)
 ss.10(7)

s.15

s.21

A.P.P.A., ss.3(1)

A.P.P.A., ss.3(2)

ss.17(1)
 ss.12(2)

paras.5(a)(b)(c)(d)
 para.8(2)(b)
 paras.46(1)(a)(t)(u)

paras.14(a)(b)

s.12
 ss.13(1)

s.22
 s.23
 ss.24(1)
 ss.26(1)

ss.31(1)
 s.34
 s.81
 s.82

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

- (E) COMPLAINTS,
INVESTIGATIONS
OR INQUIRIES INTO
THE CONDUCT OF
MEMBERS OF THE
ROYAL CANADIAN
MOUNTED POLICE
 (for elaboration of
 the complaint pro-
 cedure, see the
 Complaint Process
 Chart)

s.49
 s.52
 para.62(1)(e)
 paras.17(1)(a)(c)
 ss.17(2)

s.49
 ss.46(1)
 ss.46(2)
 para.14(2)(d)

ss.10(1)
 ss.15(2)
 ss.12(7), L.E.R.A.

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

para.8(2)(a)
 ss.10(7); ss.11(1)
 ss.11(3)

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
 P.15.

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

s.3
 ss.15(2)

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

ss.88(1)
 ss.89(1)

FEDERAL
Royal Canadian Mounted
Police Act, R.S.C. 1985,
c.8 (2nd Supp.)

ALBERTA
Police Act, S.A. 1988, c.
P-12.01.

BRITISH COLUMBIA
Police Act, S.B.C. 1988,
c. 53.

MANITOBA
The Provincial Police
Act, C.C.S.M. 1987, c.
P.150.

NEW BRUNSWICK
Police Act, S.N.B. 1977,
c. P-9.2, as amended.

COMPLAINT PROCESS

(A) MANDATE

ss.45.35(1)

ss.17(1)
 ss.32(12)

ss.50(1)
 s.49

ss.10(1)
 ss.26(4)
 ss.26(11)
 ss.41(2), L.E.R.A.

ss.26(5)(6)

NEWFOUNDLAND

Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

ss.18(1)
ss.18(2)
ss.18(3)
ss.18(4)
ss.18(5)
ss.19(1)
ss.19(2)
ss.19(3)
ss.20(1)
ss.39(1)
ss.39(2)
ss.39(3)
ss.43(3)
ss.58(1)
ss.58(2)
ss.61(2)
s.63

NOVA SCOTIA

Police Act, S.N.S. 1974,
c.9, as amended.

ss.23(1)
ss.24(1)

ONTARIO

Police Services Act,
1990, R.S.O. 1990, c.
P.15.

s.75
ss.76(1)
ss.76(3)
ss.107(1)
ss.77(7)
ss.73(1)
ss.99(1)
ss.99(2)
ss.99(5)
ss.99(6)
ss.99(9)

**PRINCE EDWARD
ISLAND**

Police Act, S.P.E.I. 1974,
c. P-9, as amended.

s.3

QUEBEC

An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
1988, c. 75, as amended.

s.36, para.1

SASKATCHEWAN

The Police Act, 1990,
S.S. 1990, c. P-15.01.

ss.16(1)
ss.16(2)
para.37(e)
ss.54(2)
ss.55(2)
s.43
ss.40(1)
s.57

| | <u>FEDERAL</u> Royal Canadian Mounted Police Act, R.S.C. 1985, c.8 (2nd Supp.) | <u>ALBERTA</u> Police Act, S.A. 1988, c. P-12.01. | <u>BRITISH COLUMBIA</u> Police Act, S.B.C. 1988, c. 53. | <u>MANITOBA</u> The Provincial Police Act, C.C.S.M. 1987, c. P.150. | <u>NEW BRUNSWICK</u> Police Act, S.N.B. 1977, c. P-9.2, as amended. |
|---------------------------------------|---|---|---|--|---|
| (B) <u>RECEIPT OF COM- PLAINT</u> | ss.45.35(1) ss.45.41(2) ss.45.37(1) | ss.43(1) ss.43(2) ss.43(3) ss.43(6) | s.52 s.49 | ss.6(1), <u>L.E.R.A.</u> ss.6(2), <u>L.E.R.A.</u> ss.6(3), <u>L.E.R.A.</u> ss.6(4), <u>L.E.R.A.</u> ss.6(5), <u>L.E.R.A.</u> ss.6(6), <u>L.E.R.A.</u> ss.6(7), <u>L.E.R.A.</u> | ss.26(1); ss.27(1) |

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

ss.22(1)
 ss.22(2)
 ss.22(3)
 ss.22(4)
 ss.22(5)
 ss.22(6)
 ss.22(7)
 ss.22(8)
 s.21
 ss.43(1)

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

subreg. 6(2),
 N.S. Reg. 101/88

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

ss.77(1)
 ss.77(2)
 ss.77(3)
 ss.77(4)
 s.78
 ss.107(2)
 ss.81(1)
 ss.81(2)

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.

s.51
 s.52
 s.56

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

ss.38(1)
 ss.38(2)
 ss.38(5)
 s.39
 s.44

| | <u>FEDERAL</u> Royal Canadian Mounted Police Act, R.S.C. 1985, c.8 (2nd Supp.) | <u>ALBERTA</u> Police Act, S.A. 1988, c. P-12.01. | <u>BRITISH COLUMBIA</u> Police Act, S.B.C. 1988, c. 53. | <u>MANITOBA</u> The Provincial Police Act, C.C.S.M. 1987, c. P.150. | <u>NEW BRUNSWICK</u> Police Act, S.N.B. 1977, c. P-9.2, as amended. |
|--|---|---|---|--|---|
| (C) <u>PROCEDURE FOR DEALING WITH COMPLAINTS</u> | | | | | |
| (I) <u>NOTIFICATION</u> | ss.45.35(3) ss.45.35(4) ss.45.35(2) ss.45.37(2) | | s.54 s.53 | s.7, <u>L.E.R.A.</u> s.9, <u>L.E.R.A.</u> | ss.28(6) ss.29(3) |

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

ss.24(2)
 s.23

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

para. 6(3)(c),
 N.S. Reg. 101/88

ONTARIO
Police Services Act,
1990, R.S.O. 1990, c.
P.15.

ss.77(5)
 ss.77(6)
 s.79
 s.80
 ss.81(3)
 ss.81(4)
 ss.81(5)
 s.82

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.

s.57

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

ss.38(3)
 ss.38(4)

| | <u>FEDERAL</u> Royal Canadian Mounted Police Act, R.S.C. 1985, c.8 (2nd Supp.) | <u>ALBERTA</u> Police Act, S.A. 1988, c. P-12.01. | <u>BRITISH COLUMBIA</u> Police Act, S.B.C. 1988, c. 53. | <u>MANITOBA</u> The Provincial Police Act, C.C.S.M. 1987, c. P.150. | <u>NEW BRUNSWICK</u> Police Act, S.N.B. 1977, c. P-9.2, as amended. |
|---|---|---|---|---|---|
| (II) <u>INFORMAL DISPO- SITION OF COM- PLAINT</u> | ss.45.36(1) ss.45.36(3) | | s.56 ss.57(2) | s.15, <u>L.E.R.A.</u> ss.16(1), <u>L.E.R.A.</u> ss.16(2), <u>L.E.R.A.</u> | |

NEWFOUNDLAND
Royal Newfoundland
Constabulary Act, 1992,
 S.N. 1992, c. R-17.

NOVA SCOTIA
Police Act, S.N.S. 1974,
 c.9, as amended.

ss.23(2); ss.24(2)
 subreg. 11(3),
 N.S. Reg. 101/88

ONTARIO
Police Services Act,
 1990, R.S.O. 1990, c.
 P.15.

s.83

WITHDRAWAL OF
COMPLAINT

s.84
 s.86
 ss.107(1)

PRINCE EDWARD
ISLAND
Police Act, S.P.E.I. 1974,
 c. P-9, as amended.

QUEBEC
An Act respecting police
organization and amend-
ing the Police Act and
various legislation, S.Q.
 1988, c. 75, as amended.

s.58
 s.59
 s.60
 s.61
 s.62

SASKATCHEWAN
The Police Act, 1990,
 S.S. 1990, c. P-15.01.

s.46
 s.50

| | <u>FEDERAL</u> <u>Royal Canadian Mounted</u> <u>Police Act, R.S.C. 1985,</u> <u>c.8 (2nd Supp.)</u> | <u>ALBERTA</u> <u>Police Act, S.A. 1988, c.</u> <u>P-12.01.</u> | <u>BRITISH COLUMBIA</u> <u>Police Act, S.B.C. 1988,</u> <u>c. 53.</u> | <u>MANITOBA</u> <u>The Provincial Police</u> <u>Act, C.C.S.M. 1987, c.</u> <u>P.150.</u> | <u>NEW BRUNSWICK</u> <u>Police Act, S.N.B. 1977,</u> <u>c. P-9.2, as amended.</u> |
|----------------------------|--|---|---|---|--|
| (III) <u>INVESTIGATION</u> | ss.45.36(4) s.45.38 ss.45.36(5) ss.45.36(6) | ss.45(1) ss.45(2) ss.45(3) ss.45(4) s.46 | ss.57(1) ss.58(1) ss.58(2) ss.46(1) ss.46(2) | ss.12(1), <u>L.E.R.A.</u> ss.12(1.1), <u>L.E.R.A.</u> s.5, <u>L.E.R.A.</u> ss.12(4), <u>L.E.R.A.</u> ss.12(5), <u>L.E.R.A.</u> ss.12(6), <u>L.E.R.A.</u> ss.12(7)(8)(9), <u>L.E.R.A.</u> ss.12(10), <u>L.E.R.A.</u> s.22, <u>L.E.R.A.</u> s.13, <u>L.E.R.A.</u> s.14, <u>L.E.R.A.</u> | ss.26(2) ss.26(3) ss.26(5);ss.26(6) ss.27(2) ss.28(1) ss.28(2) ss.28(3) ss.28(10) ss.29(1) ss.29(2) ss.29(7) |

NEWFOUNDLAND

Royal Newfoundland
Constabulary Act, 1992,
S.N. 1992, c. R-17.

ss.24(1)
ss.24(3)
ss.24(4)
para. 60(1)(a)
ss.25(1)

NOVA SCOTIA

Police Act, S.N.S. 1974,
c.9, as amended.

ss.23(3)
ss.24(3)
subreg.12(4),
N.S. Reg. 101\88

ONTARIO

Police Services Act,
1990, R.S.O. 1990, c.
P.15.

ss.87(1)
s.85
ss.88(1)
ss.88(2)
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| | <u>FEDERAL</u> Royal Canadian Mounted Police Act, R.S.C. 1985, c.8 (2nd Supp.) | <u>ALBERTA</u> Police Act, S.A. 1988, c. P-12.01. | <u>BRITISH COLUMBIA</u> Police Act, S.B.C. 1988, c. 53. | <u>MANITOBA</u> The Provincial Police Act, C.C.S.M. 1987, c. P.150. | <u>NEW BRUNSWICK</u> Police Act, S.N.B. 1977, c. P-9.2, as amended. |
|-----------------------|---|---|---|--|---|
| (IV) <u>REPORTING</u> | | | | | |
| (1) <u>INTERIM</u> | s.45.39 | | s.55 | | ss.28(5) |
| (2) <u>FINAL</u> | s.45.4 | | s.59 | | ss.26(7) ss.26(12) ss.28(9) ss.29(6) |

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| | <u>FEDERAL</u> Royal Canadian Mounted Police Act, R.S.C. 1985, c.8 (2nd Supp.) | <u>ALBERTA</u> Police Act, S.A. 1988, c. P-12.01. | <u>BRITISH COLUMBIA</u> Police Act, S.B.C. 1988, c. 53. | <u>MANITOBA</u> The Provincial Police Act, C.C.S.M. 1987, c. P.150. | <u>NEW BRUNSWICK</u> Police Act, S.N.B. 1977, c. P-9.2, as amended. |
|---|---|---|---|--|---|
| (V) <u>REVIEW BY</u> <u>ANOTHER BODY</u> | ss.45.42(1) | | ss.60(1) | ss.17(1), <u>L.E.R.A.</u> | ss.26(8) |
| (1) <u>ACTION TAKEN</u> | ss.45.42(2) ss.45.42(3) ss.45.43(1) ss.45.43(3) s.45.46 | | ss.60(2) ss.60(3) ss.60(4) | ss.17(2), <u>L.E.R.A.</u> | |

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| | <u>FEDERAL</u> Royal Canadian Mounted Police Act, R.S.C. 1985, c.8 (2nd Supp.) | <u>ALBERTA</u> Police Act, S.A. 1988, c. P-12.01. | <u>BRITISH COLUMBIA</u> Police Act, S.B.C. 1988, c. 53. | <u>MANITOBA</u> The Provincial Police Act, C.C.S.M. 1987, c. P.150. | <u>NEW BRUNSWICK</u> Police Act, S.N.B. 1977, c. P-9.2, as amended. |
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| (VI) <u>HEARING PRO- CESS</u> | | ss.47(3) | | | |
| (1) <u>NOTICE</u> | ss.45.44(1) ss.45.45(2) | paras. 47(1)(a)(b) | ss.60(5) ss.60(6) | ss.23(1), <u>L.E.R.A.</u> | |
| (2) <u>COMPOSITION OF THE HEARING PANEL</u> | ss.45.44(2) | | s.49 | | |

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| | <u>FEDERAL</u> Royal Canadian Mounted Police Act, R.S.C. 1985, c.8 (2nd Supp.) | <u>ALBERTA</u> Police Act, S.A. 1988, c. P-12.01. | <u>BRITISH COLUMBIA</u> Police Act, S.B.C. 1988, c. 53. | <u>MANITOBA</u> The Provincial Police Act, C.C.S.M. 1987, c. P.150. | <u>NEW BRUNSWICK</u> Police Act, S.N.B. 1977, c. P-9.2, as amended. |
|---|---|---|---|--|---|
| (3) <u>RIGHTS OF PER- SONS INTERESTED</u> | ss.45.45(15) ss.45.45(5) ss.45.45(6) ss.45.45(7) ss.45.45(12) | para. 47(1)(j) | ss.66(2) | ss.23(2), <u>L.E.R.A.</u> s.21, <u>L.E.R.A.</u> ss.24(6), <u>L.E.R.A.</u> ss.24(7), <u>L.E.R.A.</u> ss.24(8), <u>L.E.R.A.</u> ss.18(1), <u>L.E.R.A.</u> s.19, <u>L.E.R.A.</u> ss.20(2), <u>L.E.R.A.</u> ss.24(9), <u>L.E.R.A.</u> ss.27(2), <u>L.E.R.A.</u> | |
| (4) <u>COMPELLABILITY</u> | ss.45.45(9) ss.45.45(10) | para. 47(1)(c) para. 47(1)(d) s.51 | | ss.24(10), <u>L.E.R.A.</u> ss.20(1), <u>L.E.R.A.</u> | |

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| | <u>FEDERAL</u> Royal Canadian Mounted Police Act, R.S.C. 1985, c.8 (2nd Supp.) | <u>ALBERTA</u> Police Act, S.A. 1988, c. P-12.01. | <u>BRITISH COLUMBIA</u> Police Act, S.B.C. 1988, c. 53. | <u>MANITOBA</u> The Provincial Police Act, C.C.S.M. 1987, c. P.150. | <u>NEW BRUNSWICK</u> Police Act, S.N.B. 1977, c. P-9.2, as amended. |
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| (5) <u>PUBLIC HEARING</u> | ss.45.45(11) | | s.61 s.69 | ss.24(1), <u>L.E.R.A.</u> ss.24(12), <u>L.E.R.A.</u> s.25, <u>L.E.R.A.</u> | |
| (6) <u>DISPOSITION OF COMPLAINT</u> | ss.45.45(14) ss.45.46(3) | ss.47(4) | s.62 ss.63(1) ss.63(2) | ss.16(3), <u>L.E.R.A.</u> ss.27(2), <u>L.E.R.A.</u> ss.28(1), <u>L.E.R.A.</u> ss.28(2), <u>L.E.R.A.</u> ss.28(3), <u>L.E.R.A.</u> s.30, <u>L.E.R.A.</u> ss.28(4), <u>L.E.R.A.</u> ss.32(3), <u>L.E.R.A.</u> ss.32(4), <u>L.E.R.A.</u> | ss.26(9); ss.28(7); ss.29(4) ss.26(10); ss.28(8); ss.29(5) ss.26(11) |
| (7) <u>REPORTING</u> | ss.45.45(14) s.45.46 | ss.47(5) s.52 | ss.62(d) ss.63(2) | ss.27(1), <u>L.E.R.A.</u> ss.27(3), <u>L.E.R.A.</u> s.33, <u>L.E.R.A.</u> | |

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